

**MINUTES**  
**PALM BEACH COUNTY**  
**CONSTRUCTION BOARD OF ADJUSTMENTS AND APPEALS**  
**January 12, 2017**

**1. CALL TO ORDER / CONVENE AS CBAA**

Chairman 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  
Bart Rasper, Plumbing Contractor  
Gary Sullivan, Electrical Contractor

Ron Dixon, Engineer, Vice Chair  
Duane Drawdy, Division I Contractor  
Margie Walden, Public At-Large

**MEMBERS ABSENT:**

Rex Kirby, Division I Contractor  
Justin McIntosh, Alternate Public At-Large

**OTHERS PRESENT:**

Doug Wise, Building Official of Palm Beach County  
Dean Wells, Construction Services Coordinator  
Shannon Fox, Assistant County Attorney  
Anne Helfant, Assistant County Attorney  
Jacquelyn Anderson, Senior Secretary  
Reuel Lisboa, Property Owner  
David Rupp, Property Owner

**B. APPROVAL OF MINUTES**

Ms. Walden made a motion to approve the minutes of November 10, 2016. Mr. Dixon seconded the motion. The motion passed unanimously.

**2. ADDITIONS & DELETIONS**

Mr. Wise requested a motion to reorder the agenda to add an item recognizing Peter Dzenutis for his service on the Board.

Mr. Dixon made a motion to add the agenda item. Mr. Sullivan seconded the motion. The motion carried unanimously.

**3. SPECIAL RECOGNITION**

**A. Peter Dzenutis Award of Appreciation – Doug Wise**

Mr. Wise stated Mr. Dzenutis term expired and during the re-appointment process some circumstances beyond Mr. Dzenutis' control and beyond Mr. Wise's control caused the appointment to be declined by the Board of County Commissioners through the direction of the County Administrator.

Mr. Wise presented Mr. Dzenutis with a plaque for his service.

Mr. Dzenutis stated it was his honor to be on the Board to support and to direct and to do what he could.

#### 4. OLD BUSINESS

Board Secretary Jacquelyn Anderson administered an oath to all witnesses who planned to testify.

##### A. 16-07 – 9245 SW 3<sup>rd</sup> Street, Boca Raton – Reuel Lisboa

Mr. Wise stated the Appellant successfully stabilized the building and removed the roof trusses.

Mr. Lisboa stated at his last appearance, the property had extensive fire damage and the roof had started to show signs of decay. Since his last appearance, he has signed on with a contractor. He stated he had just finished and passed the first inspection for tie beams, and the structure is in process to become a house once again.

Ms. Walden asked if Mr. Lisboa was able to secure financing.

Mr. Lisboa stated he was still working on that. He is hoping to finish the construction quickly.

Mr. Wiener asked if he had plans to get the trusses yet.

Mr. Lisboa stated the trusses were on order. He stated there was a review that needed to be done. He stated up to the sheathing of the roof all secured. He stated is working to secure a roofing contractor. He has secured a plumbing contractor. He is in negotiations with the electrical, and he has already done something with the mechanical and A/C.

Ms. Walden asked about the order to demolish preventing him from getting funding.

Mr. Lisboa stated he is seeking alternative funding.

Mr. Wiener asked about the status of the demolition order.

Mr. Wise stated Mr. Lisboa has full permits to rebuild the whole building. He stated the Board order told the Appellant to return to report his progress. Mr. Wise stated that he thinks what has happened so far shows progress. He stated it is the Board's discretion if they want to give the Appellant more time, or if they want him to cancel the demolition order, he can do that, and bring the Appellant before the Board again if he fails to complete the project. There are multiple options.

Mr. Drawdy asked how long it had been since the first decision.

Ms. Anderson stated his first appearance was in October.

Ms. Fox stated in the previous order, the Appellant was given 60 days to demolish the roof trusses, shore up the walls of the structure to abate the unsafe condition and obtain an inspection; and if he failed to diligently pursue the abatement of the unsafe conditions of the structure at the meeting which was to be held on December 8<sup>th</sup>, which was not held, on the motion of staff the Board may require the demolition of the structure.

Ms. Fox stated that since it appears that the Appellant has complied with what the Board required at that time, it is at the discretion of the Board to either give him additional time or to require him to come back at some later date with a status update, with the Board retaining discretion to require demolition at some later date.

Mr. Drawdy asked if all the unsafe conditions at the home have been resolved.

Mr. Wells stated the Appellant has removed the trusses, gutted the house. The roof is gone. He has extended the beams up because he raised the elevation. The walls are secure. He has the truss brackets in and is waiting for the trusses to be set. Once the trusses are set, he will be ready to dry in.

Mr. Drawdy asked if there would be any objection to processing the permit like a regular permit.

Mr. Wise stated there would be no objection from his perspective.

Mr. Sullivan asked if the Appellant has a permit.

Mr. Wise stated the Appellant has a full permit to rebuild the structure which is not an insignificant task in the given time since he last appeared before the Board. Mr. Wise stated the Appellant has made significant progress, and the Building Division is very pleased with the progress he has made.

Mr. Sullivan stated it is a construction project at this point in time since all of the violations have been taken care of, and it is basically being covered under the jurisdiction of the Building Official. He stated he doesn't see why the Board would need to have the Appellant appear again.

Ms. Walden made a motion to remove the demolition order. Mr. Sullivan seconded the motion.

Discussion ensued.

Mr. Wiener explained to the Appellant that the motion on the floor is to have the demolition order lifted, and it is a normal construction project.

Ms. Fox clarified that once the demolition order is dismissed the matter will not come before the Board again unless a new demolition order is initiated by the Building Official.

The motion carried unanimously.

## 5. NEW BUSINESS

A. 16-10 – 205 Pike Rd, West Palm Beach – Generation Three of FL, Inc.

Mr. Wise stated the case involves a storage warehouse industrial building on Pike Road. The building is in extremely poor condition. Portions of the walls have collapsed, and in the process of collapsing. The building has been in this condition for some time. Staff is requesting the demolition be upheld. The owner is present and requesting additional time.

Mr. Rupp requested a letter be submitted into evidence.

Mr. Wise requested the County staff report be entered into evidence.

Mr. Rupp stated there are approximately 40 to 50 antique cars that were under the roof that caved in. The cars were worth approximately \$1M to \$1.5M. He stated no one would go into the building to give him estimates or bids to able to figure out how to remove the fallen roof because the signs posted at the property state you can be arrested and not to go near the buildings. Mr. Rupp stated until he goes through the appeal process, he can't get anything done. He stated he needs access to the building to determine what needs to be done and how it can be done.

Mr. Rupp stated the property is fenced and guarded with security and alarm system. He stated the building has been secure for 15 years, and no one is in danger. He stated he needs to get the cars out of the building. Mr. Rupp stated he is appearing before the Board to stop the demolition threat so that he can have an opportunity to go into the building and get the cars out. He stated no one will go into the building because it has signs posted that anyone who enters will be arrested.

Board members questioned Appellant and Staff and discussion ensued.

Mr. Wise stated a qualified design professional or a contractor is allowed to go into the building to inspect and give an estimate of what it will take to repair or correct or demolish. He stated the Building Division has determined the damages are at a level at which the building will have to be demolished. He stated the building is at a level of substantial structural damage, and repair of the building will have to be brought up to current building codes.

Additional discussion ensued.

Mr. Rasper made a motion to give the Appellant 90 days to get a set of plans and drawings and apply for a permit.

Mr. Wise stated an exploratory demo doesn't require much for plans. He would just need to know that there is a qualified contractor with the right insurance and license and an engineer involved who will evaluate. Mr. Wise stated a letter asking for what would like to do and it could be rushed because of the condition of the building.

Additional discussion ensued.

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

## 6. BOARD MEMBER COMMENTS

None.

**7. STAFF COMMENTS**

Mr. Wise thanked Mr. Dzenutis and the Board members for their service.

**8. ADJOURNMENT**

Chairman Marc Wiener adjourned the meeting at approximately 2:25 p.m.

Signed for the Board by,

A handwritten signature in dark ink, appearing to be 'Marc Wiener', written over a horizontal line. The signature is stylized and spans across the line.

Marc Wiener  
Chairman

Respectfully submitted,  
Jacquelyn Anderson  
Recording Secretary