

MINUTES
PALM BEACH COUNTY
CONSTRUCTION BOARD OF ADJUSTMENTS AND APPEALS (CBAA)
February 8, 2018

1. CALL TO ORDER

Vice Chair Ron Dixon 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:

Ron Dixon, Engineer, Vice Chair
Bart Rasper, Plumbing Contractor
Steven Markel, HVAC Contractor

Rex Kirby, Division I Contractor
Manny Oyola, Roofing Contractor
Margie Walden, Public At-Large

MEMBERS ABSENT:

Marc Wiener, Architect, Chair
Gary Sullivan, Electrical Contractor

Milton Grey, Division I Contractor
Justin McIntosh, Alt - Public At-Large

OTHERS PRESENT:

Doug Wise, Building Official, Palm Beach County
Brad Brown, Deputy Building Official, Palm Beach County
Dean Wells, Construction Services Coordinator
Shannon Fox, Assistant County Attorney
Anne Helfant, Assistant County Attorney
Jacquelyn Anderson, Recording secretary
Alan Hess, Property Owner
Charles Stoecker, Attorney obo US Bank National Association
William Strauss, Property Owner
Ira Rappaport, Property Owner
Elle Rappaport, Property Owner
Steve Keehn, Property Owner
Brenda Booze, Property Owner
Robert Sabin, Property Owner
Doug Plean, Property Owner
Stacy Kesner, Property Owner
Emerson Ramirez, Property Owner
Don Atkins, Property Owner
Steve Young, Property Owner
Jeri Young, Property Owner
John Kennelly, Aspen Homes
Serge Tews, 19483 NW 87 CT Investment LLC

B. APPROVAL OF MINUTES

Mr. Oyola made a motion to approve the minutes of January 11, 2018. Ms. Walden seconded the

motion. The motion carried unanimously.

2. ADDITIONS & DELETIONS - NONE

3. OLD BUSINESS

Ms. Anderson administered an oath to all witnesses who planned to testify.

A. 16-03 – MULTIPLE PROPERTIES – ESTATES OF BOYNTON WATERS

Mr. Wise requested to enter the updated County Staff Report into evidence. The County's position is the Appellant has not adhered to the schedule provided to the Board.

Mr. Wells stated during the status inspection on February 2nd, he observed the inner floors in some of the building are in disrepair and are no longer supporting the standing walls. Mr. Wells stated the Appellant needs an engineer's analysis.

The Board questioned County Staff and discussion ensued.

Mr. Kennelly stated there a no unsafe buildings, and they are working on all of them.

The Board questioned the Appellant and County Staff and discussion ensued.

Ms. Walden made a motion to require an engineer's report on all the structures within 30 days; and depending upon the results of the engineer's report, orders of demolition will be issued if they are deemed unsafe.

Mr. Oyola seconded the motion.

Discussion ensued. The motion carried unanimously.

Mr. Wise stated the Appellant should deliver the engineer's report to the Building Division within 30 days.

Vice Chair Dixon opened the floor to residents of Boynton Waters to comment.

Discussion ensued.

Mr. Wise stated the County can pursue disciplinary action against the contractor with the Local Construction Regulation Board.

Discussion ensued.

B. 17-13 – 2942 GENOA PL – 19843 NW 87 CT INVESTMENT LLC

Mr. Wise requested to enter the County Staff Report into evidence. Per the Board's order, the Appellant

was required to bring an engineer's report to evaluate and repair of the structure and complete time line to obtain permits and complete repair of the property.

Mr. Wells stated he gained entry to the structure on February 1st. There are burnt trusses and sheathing, parts are collapsing, and the interior is gutted. The drywall has been removed and the walls and ceiling. The AC and electrical will have to be replaced. The roof will need to be removed and replaced.

Mr. Tews stated he had difficulty finding an engineer. They are now working with an engineer for a report. There will be an inspection on February 19, 2018, and it will take 10 business days to complete the report.

The Board questioned the Appellant and County Staff and discussion ensued.

Mr. Tews requested additional time.

Discussion ensued.

Mr. Oyola made a motion to grant another 30 days to give the Appellant time to get the engineer inspection and get the reports properly done.

Discussion ensued.

Mr. Oyola modified his motion to grant another 60 days to obtain the engineer's report and provide a timeline for repair, construction and permitting.

Discussion ensued.

Mr. Markel seconded the modified motion. The motion carried unanimously.

Discussion ensued.

C. 17-14 – 6104 CHIPEWYAN – EMERSON RAMIREZ

Mr. Wise requested to enter the County Staff Report into evidence. The Board ordered the Appellant to provide an engineer's report and a timeline to obtain permits and complete repair. A set of plans have been provided. No timeline was provided.

Mr. Wells stated the Appellant began demolition without a permit, and the plans submitted are not signed and sealed.

Mr. Ramirez stated he is waiting for the general contractor to give him an estimate and begin submitting the paperwork to obtain permits.

The Board questioned the Appellant and County Staff and discussion ensued.

Ms. Walden made a motion to grant an extension of 60 days to obtain an architect's or engineer's plan

and permits, and County Staff can report to the Board if the project has moved forward adequately or not.

Discussion ensued.

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

4. NEW BUSINESS

A. 18-01 – 18171 CLEAR BROOK CIRCLE – U.S. BANK NATIONAL ASSOCIATION

Mr. Brown requested to enter the County Staff Report into evidence. The structure is in disrepair. Previous recommendation was to move forward with demolition. The case progressed to the point of where wheels were almost on the ground. There has been a substantial amount of money spent to date. The County was notified of the appeal.

Mr. Wells stated he inspected the property on February 1st. The house has been open and accessible, and open to the elements for years. The ceiling is collapsed. The County did an emergency pool secure. There is black mold throughout the house and white mold on the roofing. There are holes in the roof. The roof and the trusses are rotted out. The County was ready to mobilize with demolition when the Appellant filed a last-minute appeal.

Mr. Brown stated the County recommends the Appellant be given an opportunity to present their case for repairing. There are a substantial number of repairs required, and any condition of issuance of a permit would include a reimbursement to the County for the money spent to date.

Mr. Stoecker stated US Bank does not own the property but has a lien interest in the property. Eduardo Hernandez owns the property. The bank has been unsuccessful in contacting Mr. Hernandez. The bank entered into a loan agreement with the Salibas in 2006, who lived at the property. The property went into disrepair, and the Salibas failed to pay their homeowner's association assessments. The HOA foreclosed on the property in 2014. The property was sold at a foreclosure sale to Mr. Hernandez. Mr. Hernandez took title and possession of the property in its current condition.

Mr. Stoecker stated the bank has instituted foreclosure proceedings against the Salibas and Mr. Hernandez. Mr. Hernandez sent response to the foreclosure action stating he wants nothing to do with the property. The bank does not have access to the property without a court order. Mr. Stoecker filed a motion with the court to gain access to the property. The hearing will be held on Tuesday, February 13, 2018. If the judge grants the motion, the bank will be able to access the property.

The Board questioned the Appellant and County Staff and discussion ensued.

Mr. Oyola made a motion to grant no extension.

Discussion ensued.

Mr. Stoecker requested the Appellant's evidence packet be entered into evidence.

Discussion ensued.

The original motion died on the floor for lack of a second.

Ms. Walden made a motion to grant 30 days, and the Appellant to return to the Board to advise how the court has decided, if the bank has entered the property, and made a decision. If not, the demolition will proceed.

Mr. Markel seconded the motion. The motion carried unanimously.

5. BOARD MEMBER COMMENTS

Ms. Walden stated concern regarding Estates of Boynton Waters.

Discussion ensued.

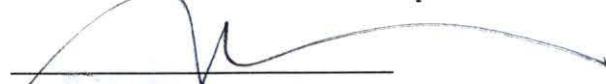
6. STAFF MEMBER COMMENTS

A. The next meeting scheduled is March 8, 2018.

7. ADJOURNMENT

Vice Chair Ron Dixon adjourned the CBAA meeting at approximately 3:16 p.m.

Signed for the Board by,



Marc Wiener
Chairman

Respectfully submitted,
Jacquelyn Anderson
Recording Secretary