



MINUTES

CONSTRUCTION BOARD OF ADJUSTMENTS AND APPEALS (CBAA)

APRIL 11, 2019

CALL TO ORDER

Ron Dixon, Chair, called the meeting to order at 2:01 pm. The meeting was conducted in Room 1W-47, Palm Beach County Planning, Zoning and Building Department, 2300 N Jog Road, West Palm Beach, FL.

A. ROLL CALL

i. Members Present

- Ron Dixon, *Engineer, Chair*
- Fred K. Kutscher, *Electrical Contractor*
- Justin McIntosh, *Alternate Public At-Large*
- Margie Walden, *Public At-Large*
- Manuel Oyola, *Roofing Contractor*

ii. Members Absent

- Steven Markel, *HVAC Contractor*

ii. Others Present

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| <ul style="list-style-type: none"> Doug Wise, <i>Building Official, Palm Beach County</i> Brad Brown, <i>Deputy Building Official, Palm Beach County</i> Dean Wells, <i>Construction Services Coordinator</i> Tom Banzhaf, <i>Construction Services Coordinator</i> Shannon Fox, <i>Assistant County Attorney</i> Anne Helfant, <i>Assistant County Attorney</i> Chelsea Koester, <i>Assistant County Attorney</i> Giselle Badillo, <i>Recording Secretary</i> Craig Stein, <i>Attorney for the Bank of New York Mellon</i> Kim Hill, <i>Contractor</i> Angel Saqui, <i>Architect</i> Arlan Goodman, <i>Owner</i> Alex Presman, <i>Warrior Service Company</i> Leo Extramil, <i>Warrior Service Company</i> Ralph L. Godwin, Jr. <i>President of YMP Real Estate Management and YMP Palo Verde, LLC</i> Dora D'Angelo Linda Schneider Anthony Gallego Paul Reilly Joon Reilly Damon A. DiPiro | <ul style="list-style-type: none"> Rosalyn Wilner Janine Mazzochi Walanty Prytulo Thomas Nagano |
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B. Approval of Minutes

- i. Mr. McIntosh made a motion to approve the minutes of March 14, 2019. It was seconded by Mrs. Walden and was unanimously carried.

✓ **MOTION TO APPROVE THE CONSTRUCTION BOARD OF ADJUSTMENTS AND APPEALS MINUTES FOR MARCH 14, 2019 MINUTES - GRANTED**

C. Administer Oath to Witnesses

Ms. Badillo swore in all present witnesses at 2:02 pm.

ADDITIONS & DELETIONS

A. REARRANGEMENT OF AGENDA BUSINESS

Mr. Wise brought forth the request of Mr. Craig Stein, Attorney and representative for the Bank of New York Mellon. Mr. Stein requested that case 18-13 be moved to the beginning of the Agenda.

Mrs. Walden made a motion to hear case #18-13 before "new business". Motion was seconded by Mr. McIntosh and unanimously passed.

✓ MOTION TO HEAR CBAA CASE 18-13 FROM OLD BUSINESS IN THE AGENDA TO BEFORE NEW BUSINESS - GRANTED

No other additions or deletions were brought forth for consideration to the Board.

B. 18-13 – 5484 Woodland Drive - DENNIS VANDERCOOK

The discussion began with Mr. Wise reminding the result of the last time the case was brought in front of the Board.

Attorney, Craig Stein, Esq., representative for the Bank of New York Mellon was present at the hearing. He began his testimony answering the question posed in the last hearing on whether the Bank of New York Mellon had the authority under mortgage instrument to make repairs, to which the answer was "yes." Mr. Stein stated that he had a copy of mortgage, which he could furnish to the board.

Attorney Stein also testified that he has obtained a structural engineer's report and that contractors have been hired in the State of Texas, whom were present, to oversee the reconstruction of the property.

Ms. Hill, contractor hired by the Bank from the state of Texas, testified in front of the Board that she and her associate have flown in from Texas to clear out the property and work on having several code violations cleared.

Mr. Oyola inquired on whether Ms. Hill was licensed to work in the State of Florida. Ms. Hill stated that she does not have a license in the State of Florida but will hire license contract workers in the state to work on the property.

Ms. Walden asked the contractor how long they will need to begin the process.

Discussion Ensued.

Ms. Walden made a motion to give the appellant 30 days to meet with the Building Department and to complete clean up and secure the property. In addition, to provide 90 days for building permits to be secured. The motion was seconded by Mr. Oyola and unanimously passed by the Board members.

✓ MOTION TO MEET WITH PALM BEACH COUNTY BUILDING DIVISION AND TO CLEAN AND SECURE PROPERTY WITHIN 30 DAYS - GRANTED

✓ MOTION TO ALLOW 90 DAYS TO OBTAIN A PERMIT FROM THE PALM BEACH BUILDING DIVISION – GRANTED

NEW BUSINESS

A. 19-04 – 4348 Okeechobee Blvd - AMSCOT CORPORATION

Mr. Wise began the discussion regarding the variance request from Amscot Corporation. Mr. Wise explained that the appellant is seeking variance approval for provisions in section 403.1 in the minimum number of plumbing facilities required for a facility or separate facility.

Mr. Wise stated that the plans submitted indicate that the square footage and the number of teller stations would denote that more than 15 people are able to be in the lobby at any given time, since that is the case it is required that two plumbing facilities.

Mr. Wise suggested that the variance be denied since it does not meet the exceptions.

Discussion Ensued.

The architect for Amscot Corporation, Mr. Angel Saqui was present for the hearing.

Ms. Walden requested clarification on what AMSCOT is requesting, if the current proposal of one facility accessible to the employees and two facilities in the lobby.

He argued the restroom table 403.1 states that the number of water closet for male and female is one per 25 for the first 50, and one for 50 the remainder exceeding 50. In the case of lavatories, the number for male and female is one for 40 for the first 80. He disputed that the minimal requirements state that for one water closet, anything under 50 is acceptable; and one lavatory is required for anything under 40.

Discussion Ensued.

Mr. Wise accepted the argument made the appellant but argues that because one of the facilities is inaccessible to the public, which may only be utilized by employees, then the minimum of two facilities remains a requirement for the lobby area.

Ms. Walden made a motion to accept staff recommendation to deny the variance. Mr. Kutscher seconded motion. Motion passed unanimously.

✘ MOTION FOR VARIANCE – DENIED.

B. 19-05 – 59 Dorchester C – HOREB CONSTRUCTION CORPORATION

Mr. Wise testified that a stair lift was initially installed on property without a permit. A permit was submitted after the fact but was rejected repeatedly by staff because the plans does not meet the requirements of 1011.2, which is the width and capacity of stairwells.

Mr. Wise argued that the exceptions mentioned in the Florida Building Code regarding stair lifts are for platforms installed within a dwelling. The installed chair lift is currently installed in a common egress, which is not part of the exceptions cited.

Discussion Ensued.

Mr. Wise stated that the variance does not meet the requirements and that staff maintains there recommendation of

denial for the variance but suggests that a permit for a platform lift, which can be approved, be re-submitted to the PBC Building Division.

Discussion Ensued.

Mr. Alex Presman, Owner of Warrior Service Company and Leo Extramil were present for the hearing. Mr. Extramil testified that he was never informed that a permit was required for the installation of the product. He also wanted the Board to consider that there are two other stairways on either side with no obstructions.

Ms. Walden wanted information why a stair lift was installed versus a platform lift. Mr. Extramil said that the decision comes from the Veterans Affair (VA).

Discussion Ensued.

Mr. Arlan Goodman, Owner of Property was present for hearing and testimony. Mr. Goodman testified that no individual has been injured since the installation of the chair lift. The stair lift was installed for Mr. Goodman, who has multiple health conditions, to assist in carrying groceries to his home.

Various neighbors attended the Board hearing and provided testimony.

Discussion Ensued.

Mr. Anthony Gallego attended the hearing, and he was sworn in for testimony. He stated that oversee the access department and testified that the total width of the stairs was 44 inches but with stair lift track taking up 8 inches, the width still complies with the 36 in. requirement.

Discussion Ensued.

Mr. Oyola made a motion to accept the finding of the staff. Mr. McIntosh seconded the motion, which passed unanimously.

Discussion Ensued.

✘ MOTION FOR VARIANCE – DENIED.

OLD BUSINESS

A. 1 8 -18 – 6164 Forest Hill Blvd 101, Building 6238 – YMP PALO VERDE LLC

Mr. Wise began the discussion explaining a brief history of the case and the previous Board Order.

Ralph L. Godwin, Jr. *President of YMP Real Estate Management and YMP Palo Verde, LLC*, was present. He testified that he believed that 60 days would be sufficient time but there have been a few complications. He has attempted since the last hearing he to complete all the necessary disconnects before permit is issued and to demolish.

Mr. Wise verified the information and asked that the Board decide if they wish to accept his request and provide an additional 30 days.

Discussion Ensued.

Ms. Walden made a motion to grant appellant a 30-day extension, which was seconded by Manuel Oyola. The motion carried after unanimously passed.

✓ **MOTION FOR A 30- DAY EXTENSION – GRANTED**

B. 19-01 – 6164 Forest Hill Blvd 101, Building 6140 Unit 102 – YMP PALO VERDE LLC

Mr. Godwin provided testimony that permit application along with the architectural drawings were submitted during the 30-day period given by the Board. He requested an additional 30 days to start the rebuilding the structure.

Mr. Wise agreed that Mr. Godwin has met the requirements of the Board Order. Mr. Godwin has complied and no further action is needed.

BOARD MEMBERS COMMENTS

Ms. Walden requested an update regarding Boynton Waters. Mr. Wise informed the Board that the matter has been discussion and the matter will be presented to the Board in the future.

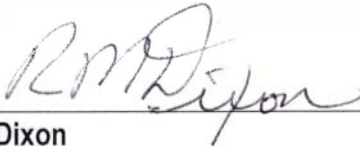
STAFF COMMENTS

- a. Next Board Meeting – MAY 9, 2019

ADJOURNMENT

Chairperson, Ron Dixon, adjourned the CBAA meeting on April 11, 2019 at approximately 3:19 pm.

Signed for the Board by,



Ron Dixon
Chair

Respectfully submitted,
Giselle Badillo
Recording Secretary