



Palm Beach County
CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS (CBA)
August 10 2023 MEETING
MINUTES

I. CALL TO ORDER

Rex Kirby, Chair, called the meeting to order at 2:07 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

Members Present

Jessica Dornblaser, Architect, **Vice Chair**
Manuel Oyola, Roofing Contractor
Steven Markel, HVAC Contractor
Bart Rasper, Plumbing Contractor

Members Absent

Ron Dixon, Engineer
Rex Kirby, Division 1 Contractor, **Chair**

Timothy Wingate, Division 1 Contractor

Others Present

Doug Wise, Building Official (PBC)
Thomas Banzhaf, Construction Services Coordinator (PBC)
Michelle Carter, Recording Secretary
Dean Wells, Construction Services Coordinator (PBC)
Mark Hagen, Information Management Services Specialist

Shannon Fox, Senior County Attorney
Ryan Maher, Assistant County Attorney
Michael Fox, Codes, Product and Training
Dave Collado, PBC Fire Captain

B. Approval of Minutes

- Mr. Oyola made a motion to approve the August 10, 2023 meeting minutes. Mr. Markel seconded the motion. The motion carried unanimously.

C. Administer Oath to Witnesses

Ms. Carter administered an oath to the witnesses testifying in the proceedings.

II. ADDITIONS AND DELETIONS

None

III. OLD BUSINESS

A. 2023-01- 4400 White Feather Trial

- Mr. Wise states the staff report is in your packet. Our inspector Tom Banzhaf is here to testify to his findings. The board may recall the last time the appellant was here the board ordered him to have an inspection within 30 days and then come back with the report. Tom were you in contact with the owner during that period?
- Mr. Banzhaf states yes I was. We scheduled a visit for July 5th and we met at the property. I brought Bill Fuchs with me along with his lead inspector. Code Enforcement supervisor along with the code enforcement officer for that area that has a case against the property met at the site as well. The gate was locked and Mr. Martinez came out the house and expressed concern on how many people were there. He refused to allow any of us in and then after further discussion he agreed to only allow me into the garage but not the inside of the house. I could not take any photographs. After I explained I would need to bring the electrical inspector with me and that I would have to take photographs to show the board what I observed. He said he was not going to give us access at all and that he was going to have an engineer provide a report to the board.
- Doug ask that our staff report be admitted into evidence at this time.
- Mr. Haluska states at the last meeting the board as me to allow Mr. Banzhaf access to satisfy his concerns for 2 things. 1 being the electric was terminated to the garage where the roof was missing, 2 for the interior of the home to ensure I am in a dry safe area. The agreement I

made was to allow Mr. Banzaf and Mr. Banzhaf only access to the interior of my home. I was uncomfortable with having an additional person to my home but I eventually agreed. Mr. Banzhaf showed up with 5 guys and that is a blatant disregard to my privacy.

- + Discussion Ensued
- + Mr. Martinez states I am very disappointed in the way Mr. Banzaf has handled his business. The garage and everything is clean. We would not be here if he followed the instructions on his letter.
- + Discussion Ensued
- + Mr. Rasper makes a motion 25 days to allow Palm Beach County any inspectors full access and if that doesn't happen we will move forward with demolishing of the house
- + My. Oyola made an amendment to the motion that the homeowner allow full access to the inside of the home and allow the photography of anything that needs to be photographed to be able to properly document what's taking place.
- + Mr. Markel second the motion. The motion carried unanimously.

+ IV. NEW BUSINESS-

A. 7900 Montoya Circle

- + Doug States this is a variance request or a disagreement of the code rendered during the plan review process. Mike Fox can come and explain the whole issue. Boca synagogue under construction, Mike can you please explain the situation.
- + Mike Fox states they have monumental stairs. They have 3 approved exists. Our concern was that all of these occupants converge into this space right in front of that monumental stair. People are going to naturally go where their use to going and that is what they are going to see. Max made the call on that and suggested possibly closing it in or putting in fire rating curtains. After some conversations, they went ahead and put in the fire-rating curtain, which is shown on the drawing. The appellant still requested to go in front of the board.
- + Mr. Wise asked that the staff report be admitted into evidence at this time.
- + Discussion Ensued
- + Mr. Oyola made a motion to agree with staff and follow the direction of the staff.
- + Mr. Rasper second the motion. The motion carried unanimously.

B. 9370 SW 8th Street

- + Mr. Wise states there is a staff report in your package. This appeal regards a failed inspection that was performed by one of our inspectors Mac Megie. Basically this has to do with a window wall enclosure that appears to have been installed on a unit with perhaps no knowledge of the appellant but it was evident upon inspection. Multifamily building with 4 story unsprinklered so there are issues. I have asked the fire department to be here. Captain Collado is here and I will call him up in a minute. Our concern is we have screen enclosure on the original plans and the screen enclosures have been converted to enclosed patios and that is unpermitted. You need to have fire resistant separation vertically between adjacent openings and the building to prevent the spread of a fire.
- + Discussion Ensued
- + Mr. Maher states what the appellant is requesting is a variance and under our amendments to the building code there are 5 standards that need to be met in order to grant this variance.
- + Discussion Ensued
- + Mr. Oyola made a motion to deny the variance.
- + Mr. Markel second the motion. The motion carried unanimously.

V. BOARD MEMBER COMMENTS

None

VI. STAFF COMMENTS

None.

VII. ADJOURNMENT

Rex Kirby adjourned the meeting at approximately 3:29 PM.
Signed for the Board by,

A handwritten signature in blue ink, appearing to read "R. Kirby", is written over a horizontal line.

Rex Kirby, Chair

Respectfully submitted by
Michelle Carter, Recording Secretary