



Palm Beach County  
CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS (CBAA)  
February 8 2024 MEETING  
**MINUTES**

## I. CALL TO ORDER

Rex Kirby, Chair, called the meeting to order at 2:08 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*

Rex Kirby, Division 1 Contractor, **Chair**  
Jessica Dornblaser, Architect, **Vice Chair**  
Steven Markel, HVAC Contractor  
Bart Rasper, Plumbing Contractor

William Reicherter, Electrical Contractor

#### *Members Absent*

Timothy Wingate, Division 1 Contractor  
Manuel Oyola, Roofing Contractor

#### *Others Present*

Debbie Nutter, Certified Building Official / Multi-Certified County Inspector  
MacArthur Megie, Assistant Deputy of Inspections  
Bianca Filiponi, Recording Secretary  
Thomas Banzhaf, Construction Services Coordinator (PBC)  
Mark Hagen, Information Management Services Specialist

Shannon Fox, Senior Count Attorney

Ryan Maher, Assistant County Attorney  
Michelle Carter, Recording Secretary

### B. Approval of Minutes

- ✦ Mr. Markel made a motion to approve the December 14, 2023 meeting minutes. Ms. Dornblaser 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. Maher reiterates all past meetings.
- ✦ Mr. Banzhaf introduces himself then states since last hearing there has been no new permits applied for nor has the appellant scheduled any inspections on the current permit.
- ✦ Mr. Maher reiterates the board order stating the appellant was granted 30 days to apply for an electrical permit to cure all electrical violations and 90 days to devise and submit Building Official a plan of action to repair the structure and to provide a complete set of drawings prepared by a licensed professional that include proposed electrical, plumbing, mechanical, roof system, and structural improvements to be completed.
- ✦ Mr Martinez introduces himself then continues to state he has had an architect to visit the property.
- ✦ Mr. Kirby asks Mr. Martinez if he has hired a builder who has hired an architect.

- + Mr. Martinez answers yes and also states an architect has visited.
- + Mr. Kirby states the board has questions.
- + Mr. Reicherter states the last meeting the board requested a contract and proof of funds, proceeds to ask Mr. Martinez if he has that.
- + Mr. Martinez answers no then states all he has is a memory disk. Then proceeds to ask if the pictures he brought can be presented because the house is not a wood frame house and it is concrete and in good condition.
- + Mr. Reicherter states that the board requested a contract and proof of funds.
- + Ms. Dornblaser asks Mr. Martinez if he provided a contract to the building division.
- + Mr. Martinez states yes that a letter is provided in the USB provided. Continues to state that the letter from the company with their licensing as well as details from the electrician.
- + Discussion ensues.
- + Mr. Reicherter asks if what is being presented is an invoice.
- + Mr. Martinez answers yes.
- + Mr. Reicherter asks if there is a copy a check proving it was paid.
- + Mr. Martinez states no and proceeds to state he paid cash.
- + Mr. Reicherter asks if the company provided a receipt.
- + Mr. Rasper reviews the invoice then proceeds to state this has nothing to do with the house.
- + Mr. Maher asks Mr. Banzhaf if he has received any of these records Mr. Martinez is producing here today.
- + Mr. Banzhaf answers no this is the first time viewing them.
- + Mr. Maher asks Mr. Banzhaf if he was aware of any contracts between any builder or plumber.
- + Mr. Banzhaf answers he was unaware of any contracts.
- + Mr. Maher asks Mr. Banzhaf if Mr. Martinez has reached out to him between today's hearing and the December hearing.
- + Mr. Banzhaf states in January Mr. Martinez came in for a meeting with himself and the building official.
- + Mr. Maher asks Mr. Banzhaf to explain what was discussed in that meeting.
- + Mr. Banzhaf states that Mr. Wise discussed the case with him again and made it clear what the board directed him to do. Also states Mr. Wise redirected Mr. Martinez to the up to date board order that was issued.
- + Mr. Maher asks Mr. Banzhaf if to his knowledge has the conditions of the board order been satisfied.
- + Mr. Martinez states the reasoning for the meeting is to discuss with Mr. Wise that he is willing to comply with building code and there no specific violation on the residence. Continues to state he is not attempting to change the plumbing and all the plumbing has been existing. Also states the structure is not falling apart and the photos will confirm.
- + Mr. Kirby states at the last meeting the board gave clear instructions on what the board members expect to see. Continues to state the members told Mr. Martinez what to do also states they requested a report from a design professional stating the structure is safe.

- + Mr. Martinez states Mr. Wise stated that a design professional wouldn't be enough and that Mr. Martinez will need an architect. Then continue to state he cannot afford to go from an engineer to an architect.
- + Mr. Kirby states the board has no desire to demolish the home but Mr. Martinez has to follow what the board is requesting.
- + Discussion ensues.
- + Mr. Rasper asks for Palm Beach County's recommendation.
- + Ms. Nutter states they need a design professional to attest the structure is safe.
- + Mr. Rasper motions to continue with demolition.
- + Ms. Dornblaser states a design professional is needed. Then continues to state that the board did request for professionals to be hired and it has not been done.
- + Mr. Kirby states this is the first they are seeing any of the documents he brought and he should have provided efficient time to submit them.
- + Ms. Fox reiterates the board order then advises the board to establish a new board order.
- + Mr. Kirby states that by the photos the home is in pretty good shape, that he would like to proceed with demolition. Continues to state it will take time to follow through with.
- + Mr. Rasper states he will continue with his motion.
- + Mr. Markel seconds the motion.
- + Mr. Reicherter asks if the motion can be cured.
- + Mr. Maher states yes that applicants can have opportunity to remediate the motion.
- + Mr. Kirby reiterates that the motion to demolish will go forward but Mr. Martinez does have time to bring the home to code.
- + Motion carries unanimously.

B. 2023-05- 1115 Filer Road

- + Mr. Banzhaf stated with this case he was called out by a Code Enforcement Officer after a car had hit a wall in the home. Upon viewing the home he noticed the car hit a bearing wall and also states that the home had been converted into a duplex. Continues to state that the home had undergone multiple unpermitted projects not shown on the existing mortgage plans presented to the board. Additionally states the mini split air conditioners are not permitted. States he then red placard the home.
- + Mr. Rasper asks Mr. Banzhaf how many electric meters are there.
- + Mr. Banzhaf states there is one electric meter, adds that there was an electrical upgrade in 1995.
- + Discussion ensues with the presentation of photos.
- + Mr. Maher asks Mr. Banzhaf his recommendation.
- + Mr. Banzhaf states after looking at the photos from the Zillow listing prior to the appellants purchase that if the ceiling can be restored to the original plans ceiling height it can be permitted and zoned to be a duplex but even then there is a plumbing issue. Continues that the septic is possibly over flowing considering more than a few plungers in the bathroom.

- ✦ Mr. Maher asks Mr. Banzhaf that in the staff report his recommendation was 30 days to revise recently issued repair permit to include removal of all existing unpermitted work and time to return the structure to the original permitted condition, if he is omitting that recommendation.
- ✦ Mr. Banzhaf states yes.
- ✦ Mr. Maher asks Mr Megie and Ms. Nutter the length to resolve the issues.
- ✦ Mr. Megie states the plans will need to be revised and fortunately they do have a design professional hired.
- ✦ Ms. Nutter confirms a design professional and explains that a repair permit was submitted but the plan reviewer acquired to send pre-comprehensive plans that the home be converted back to a single family dwelling. Also continues to state that on the plans submitted she noticed that the appellant removed two walls. Continues to state the area that used to be a pump house has been converted into a bathroom and it was only permitted for a pump house, the additional bedrooms were unpermitted, the covered porch has been filled in unpermitted, the additional kitchens were unpermitted, no electrical permits were submitted for so she suggests a comprehensive full evaluation of the house by the designer of record as well as a comprehensive plan of how they will resolve any and all issues whether it be a single family dwelling or a duplex.
- ✦ Ms. Nutter also states it may take 30-45 days present time for a designer to evaluate, maybe even 60 days.
- ✦ Ms. Sosa states she recently purchased the property in June of 2022. She purchased the property in the condition as is. She made no modifications to the ceiling. She states the car crashed into the home and she has been compliant with everything asked of her by getting comprehensive plans, opening the walls and submitting for permits in which has been stopped.
- ✦ Mr. Alfonso introduces his name and states he was hired by Ms. Sosa. Then continues to state everything stated has been materialized and raising the roof will be difficult.
- ✦ Mr. Kirby corrects the appellants by stating the roof does not need to be raised but the ceiling be raised as it was modified and lowered.
- ✦ Mr. Reicherter asks if this is a duplex.
- ✦ Ms. Sosa states that is how it was purchased and she has knocked down the walls to comply with code.
- ✦ Mr. Reicherter asks Mr. Banzhaf the minimum height requirement since it is remaining a single family dwelling.
- ✦ Mr. Banzhaf states there is a minimum 7 foot height requirement for habitable space.
- ✦ Mr. Kirby reiterates what the county staff has recommended.
- ✦ Mr. Keith Hustler makes an introduction of himself as a secured creditor and also has mortgage on the property. Also states his company shall step in to repair anything so that the collateral is protected. Also states a staff member stated it can take approximately 60 days to repair and that 60 days would be much appreciated.
- ✦ Mr. Banzhaf states that this property is a rental property and Ms. Sosa is homesteaded approximately a mile away. That Code Enforcement has spoken to a tenant and was able to obtain a copy of the lease.
- ✦ Ms. Sosa states yes and that she was living on the opposite side of the property.
- ✦ Mr. Markel asks Mr. Banzhaf if the house has a red placard.

- ✦ Mr. Banzhaf states yes and there should be nobody occupying the residence.
- ✦ Discussion ensues.
- ✦ Mr. Markel motions for 120 days come back before the board with an evaluation and have the evaluation include all dynamics of plumbing systems, electrical systems and design professional to bring the house to within code standards.
- ✦ Mr. Rasper seconds motion.
- ✦ Motion carries unanimously.

## V. BOARD MEMBER COMMENTS

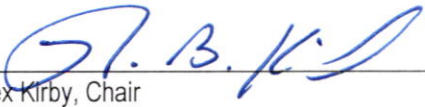
## VI. STAFF COMMENTS

Ms. Nutter states the health department was made aware of the raw sewage back in June of 2023 according to the Code Enforcement documents.

## VII. ADJOURNMENT

Rex Kirby adjourned the meeting at approximately 3:04 PM.

Signed for the Board by,

  
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Rex Kirby, Chair

Respectfully submitted by  
Bianca Filiponi, Recording Secretary