



Palm Beach County
CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS (CBAA)
March 14 2024 MEETING
MINUTES

I. CALL TO ORDER

Rex Kirby, Chair, called the meeting to order at 2:05 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
Manuel Oyola, Roofing Contractor

Members Absent

Timothy Wingate, Division 1 Contractor

Others Present

Doug Wise, Building Official PBC
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. Oyola made a motion to approve the February 8, 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. 2023-04- 4583 Diekhans Road

- ✦ Mr. Maher reiterates board order.
- ✦ Mr. Banzhaf states unless the appellant has brought anything in today the board order has not been met. Proceeds to state that he visited the unsafe structure Tuesday of last week and there were tenants still living in the structure. The septic tank in the back doesn't look as though it has not been repaired and the red placards had been taken down. Then states he visited the unsafe structure this morning to re-placard the structure along with Joseph Anderson (associate). No repairs seem to have been made, the septic tank was still exposed and tenants coming in and out of the structure.
- ✦ Mr. Maher asks Mr. Banzhaf to explain to the board the unsafe conditions on site.
- ✦ Mr. Banzhaf goes into detail of his tour of the exterior stating the boing walls, repairs with numerous materials, rotting doors and windows sealed with foam. He then proceeds with detailing the interior of one unit sagging ceiling, slopping floor, toilet is sitting on 3-4inches of grout, roof is sways along the fascia.
- ✦ Mr. Maher reiterates that Mr. Banzhaf's review of Epzb portal which provides updates of permitting and with the respondent he

has not been notified of an engineer to go on site to evaluate the structure and provide an analysis?

- + Mr. Banzhaf states he has not been notified of an engineer and there has been no permits applied for as of today.
- + Mr. Anicette states he has paid the plumbing company \$25,000 and also told the company was applying for the permit. For the repairs he has a proposal from an architectural company but was unsure how to proceed with an ability of applying for permits with a general contractor. He was under the impression to come in and work with the building department aside from applying for the septic tank.
- + Mr. Oyola asks if Mr. Anicette if he has a receipt or contract.
- + Mr. Anicette answers that it is not with him but he can call to have it emailed to him.
- + Ms. Dornblaser asks if a permit is necessary for the septic.
- + Mr. Wise states for septic equipment is department of health and they do not permit through the county, therefore the county does not have an application option. Proceeds to state there is no need since the structure is unsafe. The building should not be occupying tenants so there is no need to repair the septic at this time.
- + Mr. Oyola ask for palm beach county's recommendation.
- + Mr. Wise states the recommendation was to bring in an engineers analysis, if not then to proceed with the demolition of the unsafe structure.
- + Ms. Fox reiterates the board order to Mr. Anicette.
- + Mr. Anicette asks what the county would like for him to do.
- + Ms. Fox restates her question.
- + Mr. Anicette answers yes.
- + Ms. Fox asks Mr. Anicette if he would like to submit the documents into evidence.

Discussion ensues as the members await copies of documents submitted into evidence

- + Mr. Wingate ask Mr. Anicette if he is unable to get the tenants to move out to do repairs.
- + Mr. Anicette answers he has asked the tenants and they respond with they have no where to go and they prefer to just pay the rent.
- + Mr. Wingate states Mr. Anicette should satisfy the board by getting the tenants out to show some effort so the board can provide leniency.
- + Mr. Anicette asks if he can pull permits to repair the structure or do the tenants all have to be gone in order to repair.
- + Mr. Wingate answers that Mr. Anicette needs to show he is serious due to him allowing tenants to live in these unsafe conditions.

Discussion ensues

- + Mr. Wingate asks MR. Banzhaf if there is mold present in the structure.

- ★ Mr. Banzhaf answers not in the one unit he inspected.

Board reviews document provided into evidence.

- ★ Mr. Reicherter states the document is a standard service agreement, meaning, this engineer needs to be hired in order to have a proposal of work to be done to the structure.

Discussion ensues

- ★ Ms. Fox states the documents provided were unexecuted. One copy dated February 23, 2024 and the other March 13, 2024 and both submitted into evidence unsigned. She proceeds to ask if Mr. Anicette has signed one.
- ★ Mr. Anicette answers yes.
- ★ Mr. Rasper asks which document did Mr. Anicette sign.
- ★ Mr. Kirby asks Mr. Anicette what the reasoning for two proposals were.
- ★ Mr. Anicette answers that he added and deleted the repairs needed as he is unaware of what to repair.
- ★ Mr. Kirby states to Mr. Anicette that he does not need to tell an engineer what to fix, the engineer should be telling him what needs to be repaired. He then proceeds to add what was asked is in the board order.
- ★ Mr. Markel asks for staffs recommendation.
- ★ Mr. Wise states being as though the appellant failed to bring in the engineers analysis to proceed with demolition at the discretion of the board.
- ★ Mr. Rasper motions to proceed with demolition. Mr. Oyola seconds the motion. Mr. Wingate opposes. Majority of board approves motion.

IV. NEW BUSINESS

None

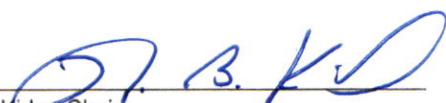
V. BOARD MEMBER COMMENTS

VI. STAFF COMMENTS

VII. ADJOURNMENT

Rex Kirby adjourned the meeting at approximately 2:29 PM.

Signed for the Board by,



Rex Kirby, Chair

Respectfully submitted by
Bianca Filiponi, Recording Secretary