

PALM BEACH COUNTY
PLANNING, ZONING AND BUILDING DEPARTMENT
ZONING DIVISION



ADMINISTRATIVE VARIANCE TYPE 1 PUBLIC MEETING

Friday, June 28, 2024
9:00 a.m., 1st Floor Vista Center,
2300 N Jog Rd, West Palm Beach, 33411

CALL TO ORDER

- A. Confirmation Mailing 500' Notices

CONSENT AGENDA

A. ZONING APPLICATIONS

1. [AV-2024-00356 Dieudegrace Achille](#) (2003-00003)

Zoning Application of Dieudegrace Achille

Location: South side of Valencia Boulevard, approximately 0.3 mile West of Mandarin Boulevard

Address: 17816 Valencia Blvd. West Palm Beach, FL 33405

Project Manager: Larry D'Amato, Site Planner II

BCC District: 6

Staff Recommendation: Staff recommends **denial** of the request.

- a. **Title:** a Type 1 Variance **Request:** to allow a reduction of front setback for a Single Family Residence.

MOTION: To **deny** item 1.a

COMMENTS

ADJOURNMENT

Web address: www.pbcgov.com/pzb/

Disclaimer: Agenda subject to changes at or prior to the public hearing.

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PALM BEACH COUNTY ZONING APPLICATION STAFF REPORT

ZONING COMMISSION, JUNE 28, 2024

A. Application Summary

I. General

Application Name: Dieudegrace Achille, AV-2024-00356
Control Name: Dieudegrace Achille (2003-00003)
Applicant: Dieudegrace Achille
Owner: Dieudugrace Achille & Jean R. Achille
Agent: JM Properties of W. Palm Beach, Inc
Project Manager: Larry D'Amato, Site Planner II

Title: a Type 1 Variance **Request:** to allow a reduction of front setback for a Single-Family Residence

Application Summary: The proposed application is for the 1.2-acre Achille Residence. The site is currently under construction for a Single Family Residence with attached garage under building permit B-2020-14955. On June 12, 2021, an issue with the setback was noticed by Building Staff when the final inspection was completed for the certificate of occupancy. The inspection identified that that the structure did not meet the required front setback and was not constructed in compliance with the approved building permit.

The request is a variance to allow a reduced front setback. Article 3.D.1.A Property Development Regulations of the Unified Land Development Code (ULDC) the AR Zoning District for lots with a RR-2.5 (Rural Residential, 1 Unit per 2.5 Acres) requires a minimum of 50 feet front setback in the AR Zoning district. The Applicant is requesting a Variance to allow a reduction of the front setback from 50 feet to 36.2 feet (-13.8 feet) to accommodate the building footprint constructed by the contractor that encroached by 13.8 feet into the setback. This 13.8 feet is the front portion of the three car garage that extends in at the front of the residence. The portion of the structure comprising the residence meets the 50 feet front setback.

II. Site Data

Acres: 1.2 acres
Location: South side of Valencia Boulevard, approximately 0.3 mile West of Mandarin Boulevard
Parcel Control: 00-40-42-23-00-000-4380
Future Land Use: RR-2.5 (Rural Residential, 1 Unit per 2.5 Acres)
Zoning District: Agricultural Residential (AR)
Tier: Exurban
Utility Service: Palm Beach County Utility Department (PBCWUD)
Overlay/Study: N/A
Neighborhood Plan: N/A
CCRT Area: N/A
Comm. District: District 6, Commissioner Sara Baxter

III. Staff Assessment & Recommendation

ASSESSMENT: Staff has evaluated the standards listed under Article 2.C.5.F.4, and determined that the request **does not** meet the standards of the ULDC.

STAFF RECOMMENDATION: Staff is recommending **denial** of the Type 1 Variance request.

PUBLIC COMMENT SUMMARY: At the time of publication, Staff had received one contact from the Public regarding this project.

IV. Meeting History

Public Meeting: *Scheduled for June 28, 2024, Type 1 Variance Public Meeting*

B. Data & Analysis

The supporting data and analysis is provided within the following Exhibits.

I. Exhibits	Page
A Future Land Use Map & Zoning Map	3 - 4
B Standards Analysis & Findings	5 - 7
C Survey dated April 26, 2024	8
D Survey submitted at Building Permit dated November 12, 2020	9
E Site Plan submitted at Building Permit dated January 10, 2020	10
F Floor Plan dated February 20, 2021	11
G Applicant's Justification Statement dated January 30, 2024	12-14
H Consent	15
I Change of Contractor Form	16
J Owner Builder Affidavit	17-18

Exhibit A - Future Land Use Map



Exhibit A- Zoning Map

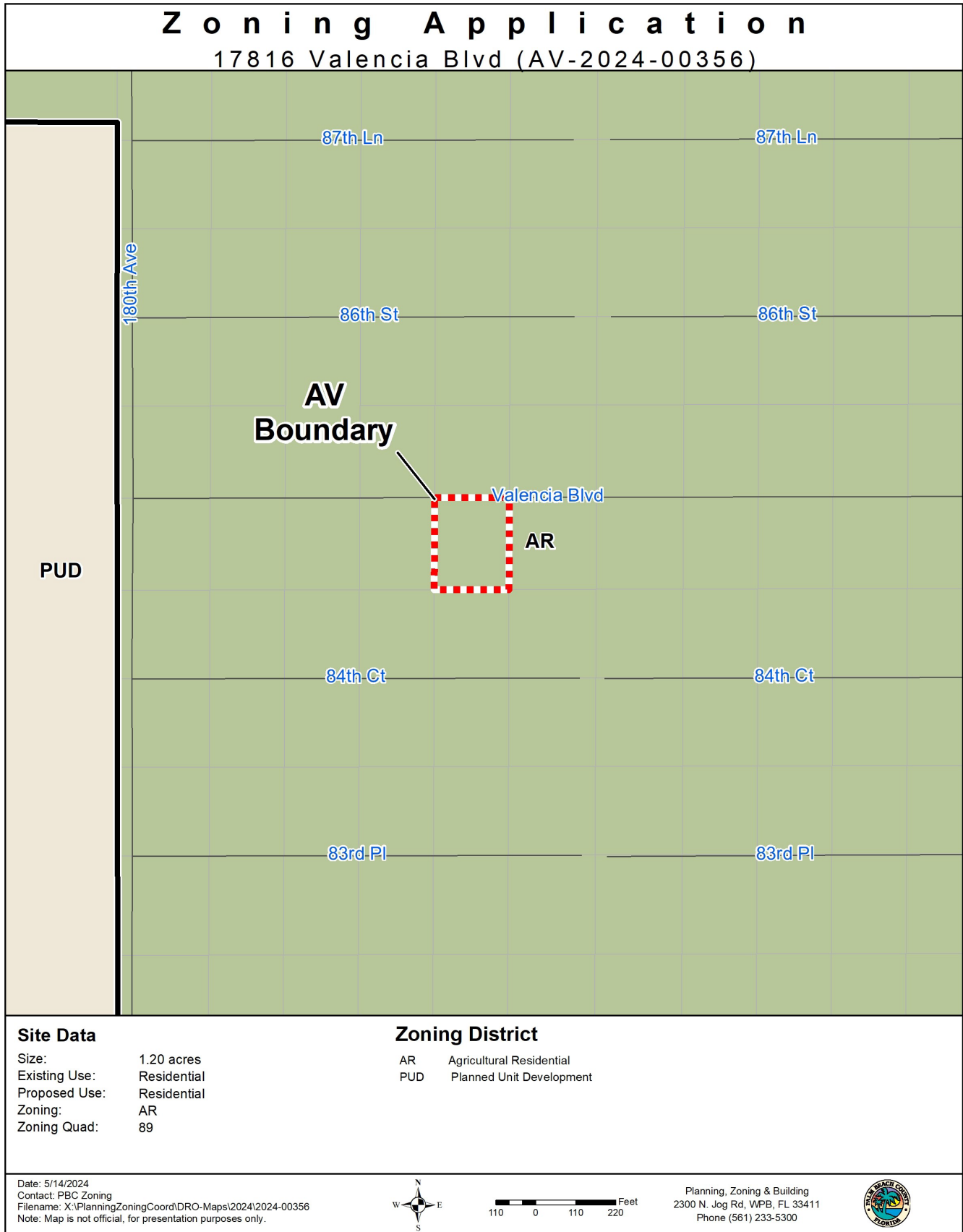


Exhibit B - Standards Analysis & Findings

ULDC Article	Required	Proposed	Variance
V.1 – 3.D.1.A. Propoerty Development Regulations - Setbacks	50' feet front setback	36.2' feet front setback	13.8' feet reduction in front setback

Type 1 Variance Standards:

When considering a Development Order application for a Type 1 Variance, the DRO shall consider Standards a through g listed under Article 2.C.5.F.4, Standards for Zoning or Subdivision Variance. The Standards and Staff Analyses are as indicated below. A Type 1 Variance that fails to meet any of these Standards shall be deemed adverse to the public interest and shall not be approved.

a. *Special conditions and circumstances exist that are peculiar to the parcel of land, building, or structure, that are not applicable to other parcels of land, structures, or buildings in the same district:*

APPLICANT'S RESPONSE:

Yes Because the house is already built, it is impossible now to move it back 14 feet, that creates a special circumstance.

STAFF'S RESPONSE:

V-1 NO: The parcel is within the Agricultural Residential (AR) Zoning District with a RR-2.5 (Rural Residential, 1 Unit per 2.5 Acres) FLUE designation and is located in the Acreage Neighborhood Plan. The required front setback as indicated in Art.3.D.1.A of the Unified Land Development Code (ULDC) is 50 feet. The subject property is a conforming lot with a width of 205.60 and a lot depth of 253.60-feet exceeding the required 200-feet that is required for the width and depth as indicated in Table 3.D.1.A. Staff finds the property to be sufficient in width and depth for the implementation of a development and setbacks as required by the Land Development Code.

The Applicant argues that the *“house is already built, it is impossible to move”* After examining the lot characteristics, Staff finds that there are no special conditions and circumstances that exist that are peculiar to this parcel of land, building or structure. The proposed home includes an attached three car garage. The garage is approximately 32 feet 4 inches in length. Reconstruction and removal of the 13 feet will still accommodate a two-car garage. The Applicant cannot violate the ULDC and then claim the very act of that violation is sufficient to create a special condition and circumstance peculiar to the land, or build structures. The contractor constructed a three car garage extending from the front of the residence that encroaches 13.8 feet into the front setback if removed would result in the overall structure meeting setback. The Contractor and the associated professionals hired that constructed the building in the wrong location are responsible to correct the error.

b. *Special circumstances and conditions do not result from the actions of the Applicant:*

APPLICANT'S RESPONSE:

We did not do or take any action to create this problem. As a matter of fact, We are the victim and our damage is excessive, First, construction had to be stopped, resulting in a loss of money and Time. Second, we had to go in search of a new contractor to restart the project. Third, the cost of the project was more than double the original price.

STAFF'S RESPONSE:

V-1 - NO: The actions of the improper placement of the structure on the property, and the subsequent needed variance, were (as indicated by the Applicant) the result of an erroneous survey and site plan prepared by the Applicant's hired professionals. County Staff has no responsibility on the professionals that the Applicant hired in order to submit the required documents for Building Permit and the Permits are review based on the drawings provided. When a site visit was conducted by Staff the location of the encroachment was significant and evident to the naked eye that the relation of the proposed structure with the existing surrounding structures are inconsistent.

In addition, the Contractor and the associated professionals hired that constructed the building in the wrong location are responsible to correct the error. The Applicant signed a Change of Contractor form that states they take full responsibility for the work completed by the previous Contractor. In addition, the Applicant signed the Owner/Builder Affidavit and Disclosure Statement form, taking responsibility to oversee the construction of the home. (Exhibits I and J) Given this, Staff finds that special circumstances and conditions alleged by the Applicant do result from their own actions directly attributable to the owner via the owner's contractor and agent.

c. Granting the Variance shall not confer upon the Applicant any special privilege denied by the Plan and this Code to other parcels of land, buildings, or structures, in the same district:

APPLICANT'S RESPONSE:

This variance will not give us any special privilege that other occupants do not already have and cannot have. The goal here is only trying to maintain the house as it stands

STAFF'S RESPONSE:

V-1 - NO: Staff finds that the granting of a variance for relief from an issue created by the owner/contractor would result in a special privilege being conveyed which is not obtainable by others in the same zoning district. Being granted relief from the front yard setback due to improper construction would be a special privilege which is denied to other property owners within the zoning district which constructed their buildings properly and met the ULDC. The Applicant signed and notarized documents with their permit that do not hold the County responsible for changes in contractors, and that they are responsible for the construction of their home. Granting the variance will confer a special privilege to the Applicant, not holding them responsible to the documents they signed with the permit.

In addition Staff conducted an analysis of surrounding lots, based on building permit records and aerial imagery. The front yard setback of surrounding lots ranges between 50 feet and 72 feet. There are no lots that do not meet the ULDC requirement for the front yard setback. (See Figure 1 below) therefore, the granting of this variance would confer on the owner/contractor a special privilege that is denied to other lands, buildings, or structure in the same zoning district.

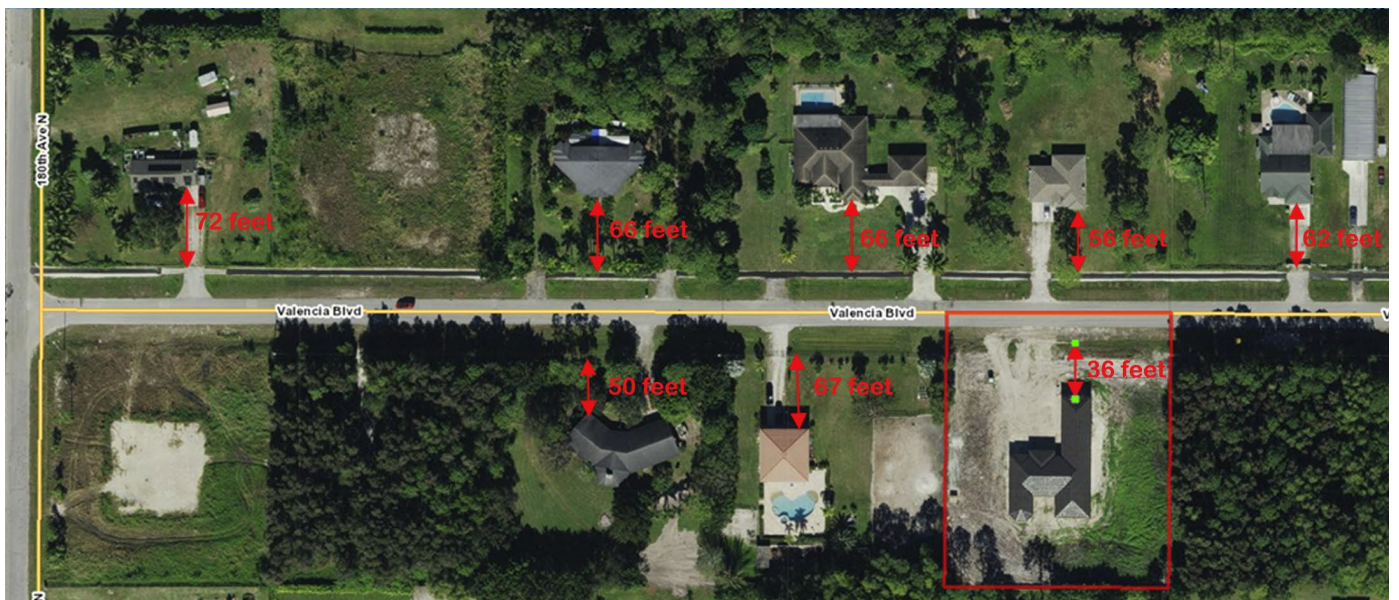


Figure 1: Indicating surrounding structures with their corresponding setbacks

d. Literal interpretation and enforcement of the terms and provisions of this Code would deprive the Applicant of rights commonly enjoyed by other parcels of land in the same district, and would work an unnecessary and undue hardship:

APPLICANT'S RESPONSE:

As for the hardship, we will not have the necessary resources to perform any further alteration to the property (either by moving it or reducing it) Furthermore, any other alteration will take away from the available space, reduce the value of the property. In addition, we would lose a great deal of our investment to get the property to this stage, and we would be deprived of the use of the amenities that other parcel owners are enjoying in the district.

STAFF'S RESPONSE:

V-1 - NO: Staff analyzed the variance request as well as the Unified Land Development Code and determined that other design options are viable that would alleviate the need for a variance. The principal residence meets setbacks, and it is a portion of the garage that extends into the setback. Design solutions, such as partial demolition and relocation of the garage, would resolve the issue.

The Applicant indicated a financial hardship to the owner/contractor if the variance is not granted. The purpose of Type 1 Variances is to allow for minor variations from certain standards of the Code when: special circumstance peculiar to the site exist, when the literal enforcement of the Code would result in undue and unnecessary hardship, and to provide the DRO the authority to review, approve, deny and render conditions to and administrate variance as necessary to accomplish the Goals, Objectives, and Policies of the Plan and this Code. These variances are not intended to relieve specific financial hardship nor circumvent the intent of the code.

Staff finds, Literal interpretation and enforcement of the terms and provisions of this Code would not deprive the Applicant of rights commonly enjoyed by other parcels of land in the same district, and would not work an unnecessary and undue hardship.

e. Granting the Variance is the minimum Variance that will make possible the reasonable use of the parcel of land, building, or structure:

APPLICANT'S RESPONSE:

That will allow us to use the property as constructed and will keep the structure on par with other buildings within the district.

STAFF'S RESPONSE:

V-1 - NO: Granting the variance is not the minimum variance that will make possible the reasonable use of the parcel of land, building or structure. As stated above by the Applicant, the cause of the encroachment is that the three car garage is already built extending into the setback. There is no issue with the principal residence itself which meets setback. The required setbacks were noted on the construction documents by County Staff. The proposed 36.2' front setback of the SFD does not meet the Property Development Regulations as it was constructed in the wrong location. The Applicant can still have reasonable use of the land by reconstructing the garage to remove the third spaces and meet the required setbacks as described in the issued building permit. The requested variance is not due to any site constraint and would not have been necessary had it not been for the error found on the survey/building permit documents submitted during the building permit process.

f. Granting the Variance will be consistent with the purposes, goals, objectives, and policies of the Plan and this Code:

APPLICANT'S RESPONSE:

This variance will not change in any way, the goals, objectives, or the policies of the Code

STAFF'S RESPONSE:

V-1- NO: Granting of the variance will not be consistent with the purposes, goals, and objectives, and policies of the comprehensive plan and this code. As already stated, the Property Development Regulations for this Zoning District are not met. The definition of "variance" as set forth in the ULDC specifically requires that the applicant has done nothing to create the problem from which it seeks relief. The owner/contractor's creation of the problem from which it seeks relief is not in harmony with the intent and purpose of the regulations since it was self-created by the Applicant's hired professional as the Applicant itself previously indicated. The Property Owner signed an Owner/Builder Affidavit and a Change of Contractor form that were notarized, stating that they are responsible for the construction of the home.

g. Granting the Variance will not be injurious to the area involved or otherwise detrimental to the public welfare:

APPLICANT'S RESPONSE:

This will not have any adverse effect on the area, nor would this action be injurious to the inhabitants of this district or the public at large since we will be only 14 feet closer to the street, but still inside of our property line.

STAFF'S RESPONSE:

V-1 - NO: Granting of the variance will be injurious to the area involved or otherwise detrimental to the public welfare. If the proposed variance is allowed, then it will set a precedent for other neighboring/surrounding properties, to want further reduced front setbacks, which do not meet the current ULDC code requirements.

Exhibit D - Survey submitted at Building Permit

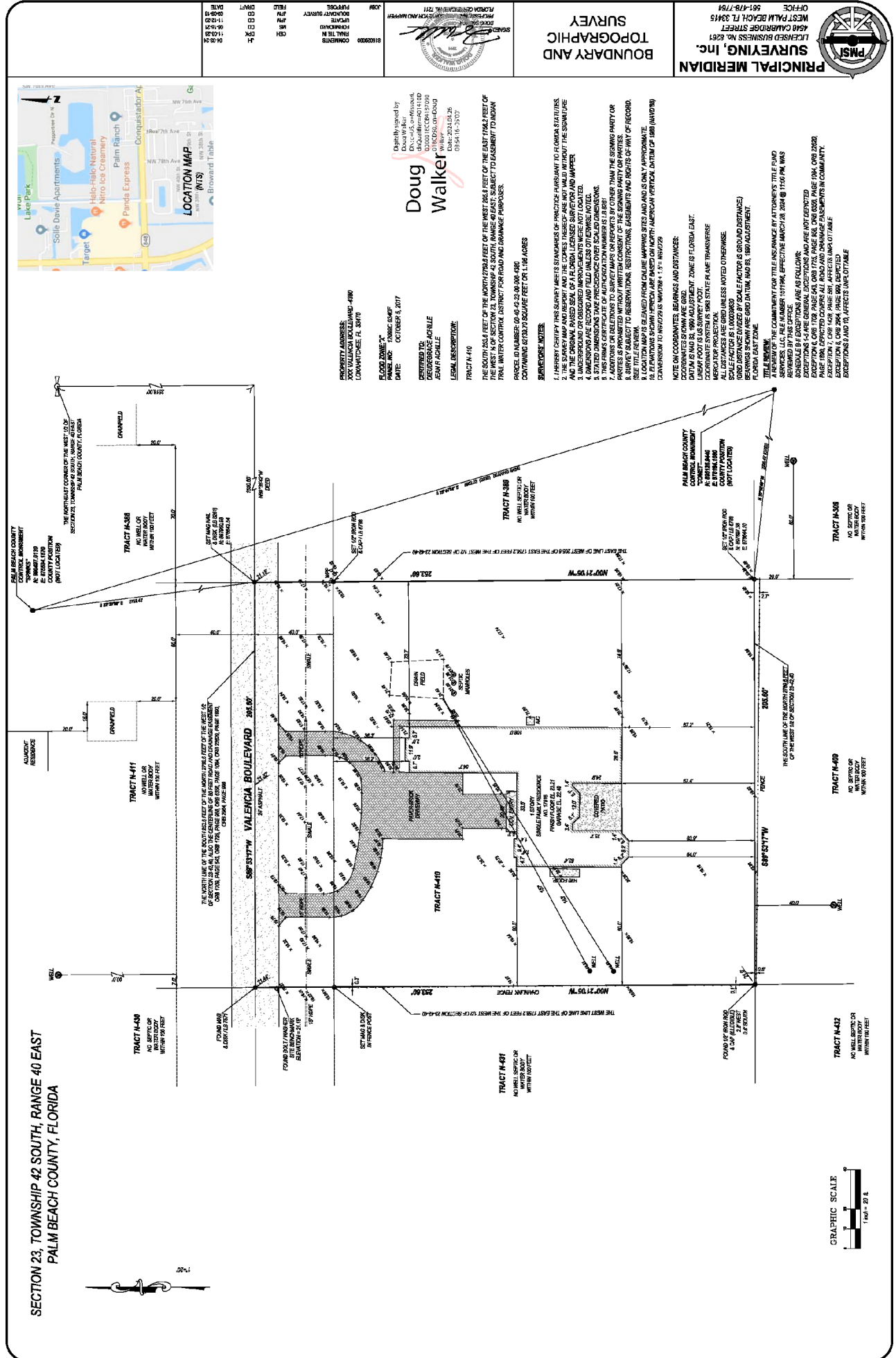


Exhibit E - Site Plan submitted at Building Permit

ACHILLE RESIDENCE TRACT N-410 VALENCIA BLVD. PALM BEACH COUNTY, FLORIDA	PLANNING CONSULTANT PALM BEACHES FL 561-281-9092 K.C. HUBBARD & ASSOCIATES	DATE: DEC. 2019 SCALE: 1/4"=1'-0" PROJECT: 38-40 CAD FILE: 38-40S	A
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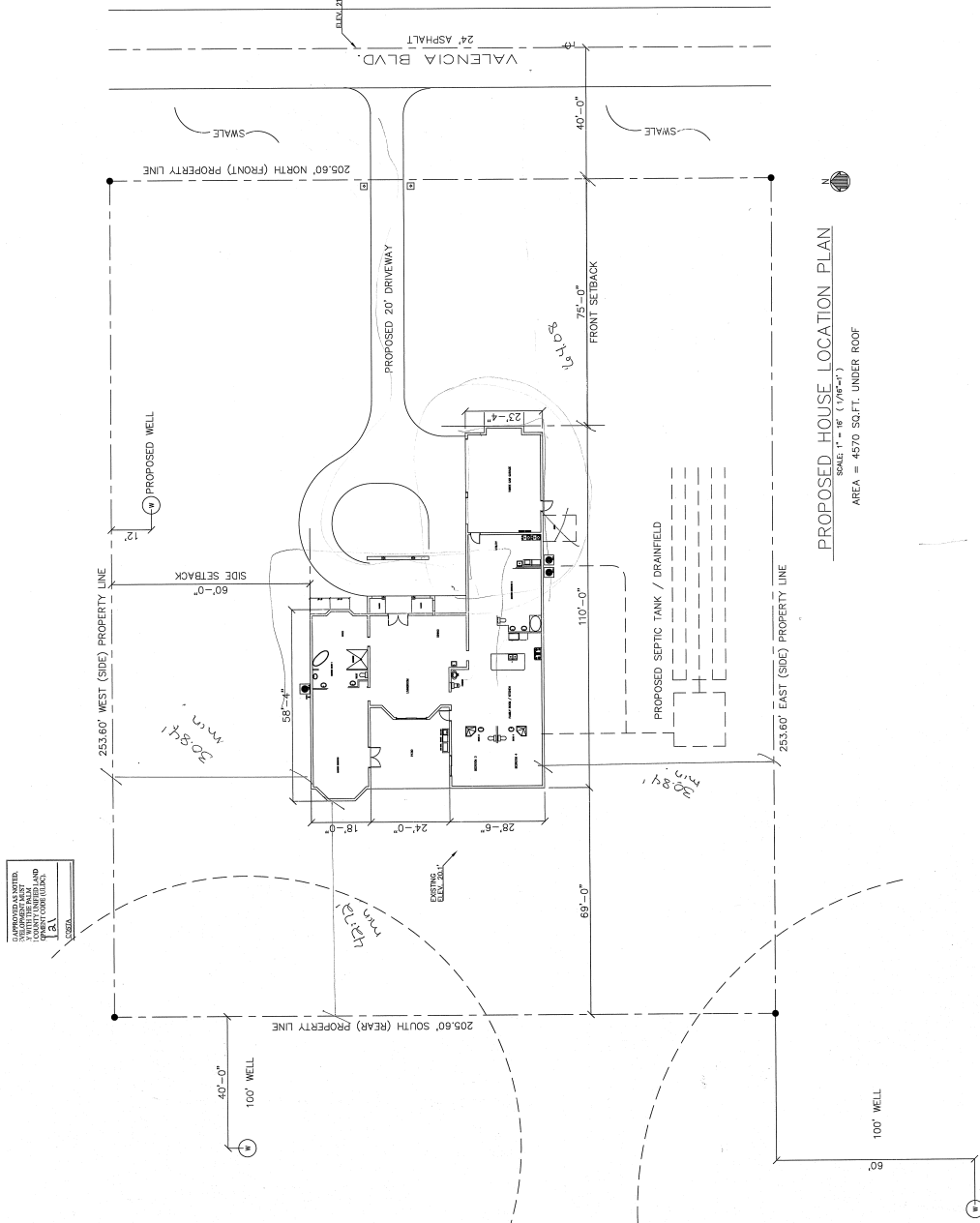
RECORD OFFICE COPY

ELECTRICAL MECHANICAL PLUMBING AND HVAC CONTRACTORS TO CORRECTLY ADOPTED PALM BEACH COUNTY ORDINANCES AND AMENDMENTS.

THESE PLANS HAVE BEEN REVIEWED BY THE BUILDING DEPARTMENT AND APPROVED FOR CONSTRUCTION. THE REVIEW IS LIMITED TO THE TECHNICAL ASPECTS OF THE PLANS AND DOES NOT CONSTITUTE A GUARANTEE OF THE ACCURACY OF THE INFORMATION PROVIDED. THE REVIEWER IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THE PLANS OR FOR ANY CONSEQUENCES ARISING FROM THE USE OF THESE PLANS.

DATE OF PERMIT NUMBER: **B 2019-014995-0000**
 REVIEWER: JOHN C. JOHNSON

RECORD OFFICE COPY



SUPERVISOR OF PERMITS
 PALM BEACH COUNTY BUILDING DEPARTMENT
 200 N. FLORIDA AVE.
 PALM BEACH, FL 33480

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Exhibit F - Floor Plan

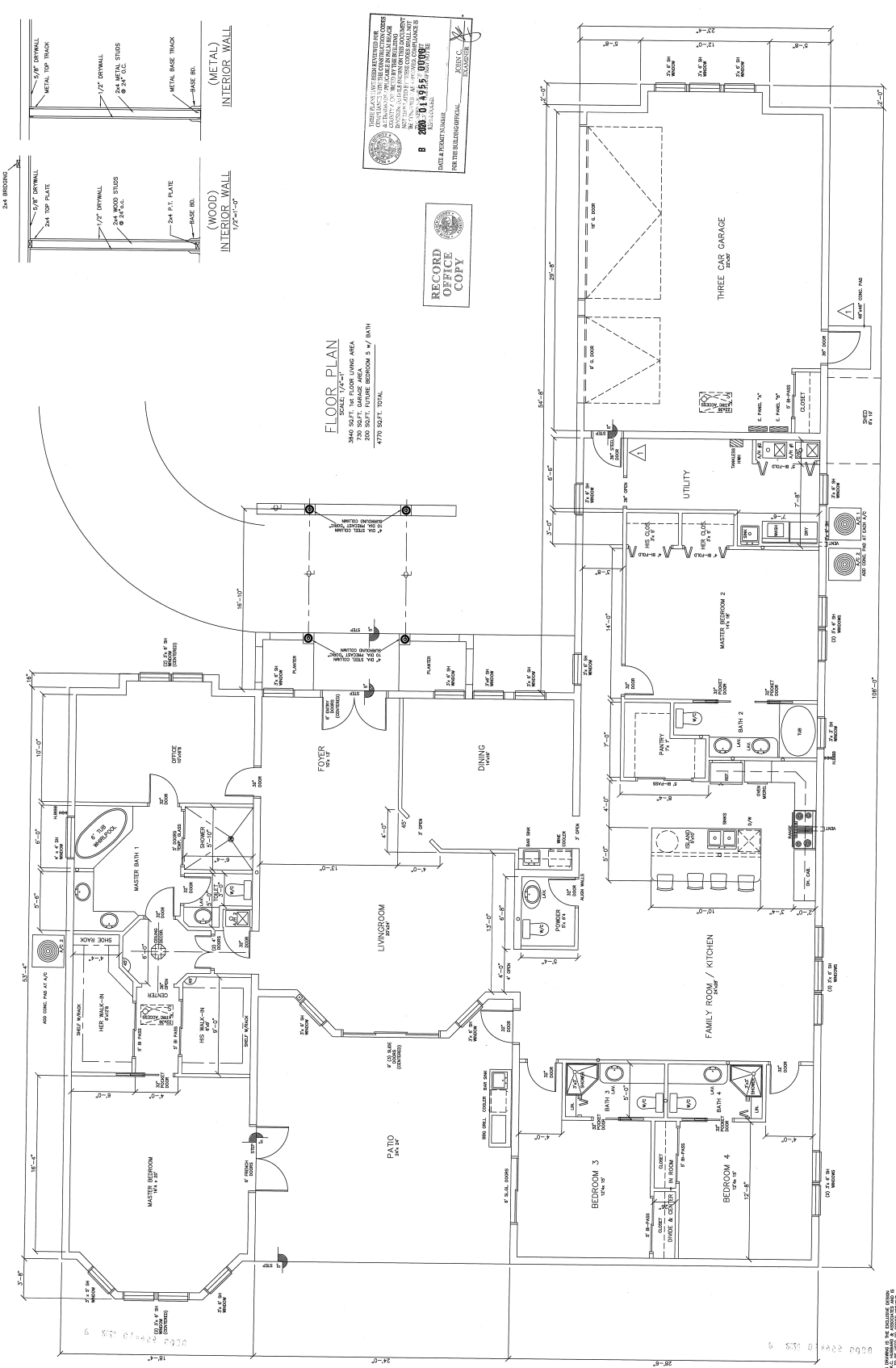
ACHILLE RESIDENCE
TRACT N-410 VALENCIA BLVD.
PALM BEACH COUNTY, FLORIDA

M. YURASEK, P.E.
No. 35417
2-20-21

K.C. HUBBARD & ASSOCIATES
PLANNING CONSULTANTS
PALM BEACHES FL.
561-281-9082
hubbard@kcoinc.com

DATE: DEC. 2019
SCALE: 1/4"=1'-0"
PROJECT: 39-40
CAD FILE: 39-40

REVISION 2-20-21 COMMENTS PER BLDG. DEPT.

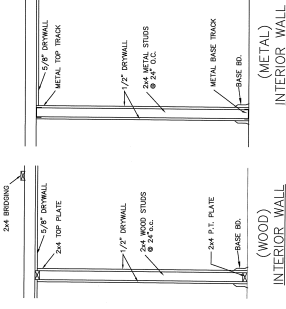


FLOOR PLAN
SCALE: 1/4"=1'-0"
3940 SQ. FT. 1st FLOOR LIVING AREA
2300 SQ. FT. 2nd FLOOR LIVING AREA
4770 SQ. FT. TOTAL

RECORD
OFFICE
COPY

THIS PLAN IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. IT IS NOT TO BE USED FOR ANY OTHER PROJECT OR SITE WITHOUT THE WRITTEN CONSENT OF K.C. HUBBARD & ASSOCIATES, INC. ANY REVISIONS TO THIS PLAN SHALL BE MADE BY A SUPPLEMENTAL SHEET OR A CORRECTED COPY OF THIS PLAN. THIS PLAN IS NOT TO BE USED FOR ANY OTHER PURPOSE WITHOUT THE WRITTEN CONSENT OF K.C. HUBBARD & ASSOCIATES, INC.

DATE & PERMIT NUMBER
NO. 2021 14655
FOR THE BUILDING DEPARTMENT



THIS DRAWING IS THE PROPERTY OF K.C. HUBBARD & ASSOCIATES, INC. IT IS NOT TO BE REPRODUCED OR COPIED WITHOUT THE WRITTEN CONSENT OF K.C. HUBBARD & ASSOCIATES, INC.

Exhibit G Justification Statement

GRACE ACHILLE

17816 Valencia Boulevard
Loxahatchee, Florida 33470

Telephone (561) 721 5273
gachille@bellsouth.net

January 30, 2024

Palm Beach County Building & Zoning
2300 Jog Road
West Palm Beach, Florida

REF: 00-40-42-23-00-000-4380
17816 Valencia Boulevard
Loxahatchee, Florida 33470

This letter is an official plea to the Palm Beach County Zoning Authority with respect to our application for a type I Variance regarding the above referenced property.

Our reason for requesting this variance is greatly justified. We have been conned and victimized by a contractor, who not only was incapable of fulfilling his duty, but ended up falsifying documents submitted to the county in order to cover and camouflage his mistakes in the field.

We have already been victimized twice, this is why we are appealing to the logic, the common sense, and the humanity of the zoning board to help them see and understand the gravity of our situation.

We also understand that humanity, logic, and common sense are no reasons for granting a Type I Variance, however, by doing so, we would want the board to understand that their action will not be construed as a special privilege or advantage to us, nor is it an infringement on the right of our neighbors?

The issue:

Our new contractor, that took over the project, after the collapsing of the original roof trusses from the previous contractor, discovered the issue after ordering the final survey for the final building inspection: it turns out, that the front portion of the garage is encroaching about 14 feet into the front set back.

Although, the new contractor did all the due diligence in obtaining all prior documentation and inspections record from the county before proceeding. Evidence seems to indicate, according to an affidavit submitted by the surveyor of record, that the form board survey certifying the placement of the house has been falsified by the construction crew of the first contractor.

Our argument in regard to the board standard

- a. Special conditions and circumstances exist that are peculiar to the parcel of land, building, or structure, that are not applicable to other parcels of land, structures, or buildings in the same district.
 - ***Yes, because the house is already built, it is impossible now to move it back 14 feet, that creates a special circumstance.***
- b. Special conditions and circumstances do not result from the actions of the Applicant.
 - ***We did not do or take any action to create this problem. As a matter of fact, we are the victim and our damage is excessive,***
 - ***First, construction had to be stopped, resulting in a loss of money and time.***
 - ***Second, we had to go in search of a new contractor to restart the project.***
 - ***Third, the cost of the project was more than double the original price.***
- c. Granting the Variance shall not confer upon the Applicant any special privilege denied by the Plan and this Code to other parcels of land, structures, or buildings in the same district.
 - ***This variance will not give us any special privilege that other occupants do not already have and cannot have. The goal here is only trying to maintain the house as it stands.***
- d. Literal interpretation and enforcement of the terms and provisions of this Code would deprive the Applicant of rights commonly enjoyed by other parcels of land in the same district and would work an unnecessary and undue hardship.
 - ***Yes, as for the hardship, we will not have the necessary resources to perform any further alteration to the property (either by moving it ore reducing it)***
 - ***Furthermore, any other alteration will take away from the available space, reduce the value of the property. In addition, we would lose a great deal of our investment to get the property to this stage, and we would be deprived of the use of the amenities that other parcel owners are enjoying in the district.***
- e. Granting the Variance is the minimum variance that will make possible a reasonable use of the parcel of land, building, or structure.

- ***that will allow us to use the property as constructed and will keep the structure on par with other buildings within the district.***
- f. Granting the Variance will be consistent with the purposes, Goals, Objectives, and Policies of the Plan and this Code.
 - ***This variance will not change in any way, the goals, objectives, or the policies of the Code.***
- g. Granting the Variance will not be injurious to the area involved or otherwise detrimental to the public.
 - ***This will not have any adverse effect on the area, nor would this action be injurious to the inhabitants of this district or the public at large since we will be only 14 feet closer to the street, but still inside of our property line.***

As demonstrated in our argument, this variance will not have any adverse effect on the neighborhood, its inhabitants or the county code and procedures.

As a homeowner, all we can do is count on license professionals such as the contractors, the surveyors, and even the county to help watch and protect our interest. There is nothing we could have done, or any action we could have taken to avoid or create this problem.

Because we have suffered so much, and independent of our will and action, a denial will constitute double jeopardy, and make us three times a victim.

It is here our hope and prayer that the board will grant this variance for which we would be so ever grateful.

A humble and desperate homeowner appealing to your logic, empathy and understanding.

Respectfully,

Grace Achille.

Exhibit H – Consent

PALM BEACH COUNTY - ZONING DIVISION

FORM # 3

CONSENT

INSTRUCTIONS: Consent is required from the property owner(s) and contract purchaser(s), as applicable, to an agent if the property owner(s) or contract purchaser does not intend to attend all meetings and Public Hearings and submit in person all material pertaining to the application. A separate form is required from each owner/contract purchaser. Consent to a firm shall be deemed consent for the entire firm, unless otherwise specified. Consent is valid for one year from date of notary, unless otherwise specified. Attach a copy of last recorded warranty deed for the subject property.

Project Name: Achille, Jean & Grace **Submittal Date:** _____

This form shall serve as CONSENT for the agent identified below to prepare or have prepared and submit all documents for the following application(s) affecting property I have an ownership interest in:

- BCC/ZC:** () Rezoning () Conditional Use () DROE () DOA () PDD () TDD () Type 2 Variance () Type 2 Waiver
- DRO Applications:** () Full DRO () Zoning Agency Review (ZAR)
- Concurrency Reservation/Equivalency (Separate)**
- Temporary Use (indicate request):** _____
- Tree Removal and Replacement**
- Type 1 Variance**
- Type 1 Waiver**
- Time Extension (Article 2.E)**
- Other (indicate request):** _____

I hereby give CONSENT to Darma Sainmervil (type, stamp or print clearly full name of agent) to act on my behalf, to submit or have submitted this application and all required material and documents, and to attend and represent me at all meetings and public hearings pertaining to the application(s) indicated above. Furthermore, I hereby give consent to the party designated above to agree to all terms and conditions which may arise as part of the approval of this application for the proposed use of: Type 1 Variance.

I hereby certify I have full knowledge of the property and I have an ownership interest in the subject property of this application. I further certify the statements or information made in any document(s) submitted herewith are true and correct to the best of my knowledge. I understand, this application, related material and all documents submitted become official records of the Planning, Zoning and Building Department of Palm Beach County, Florida, and will not be returned. I understand that any false, inaccurate or incomplete information provided by me or my agent will result in the denial, revocation or administrative withdrawal of this application, request, approval or permits. I acknowledge that additional information may be required to process this application. I further consent to Palm Beach County to publish, copy or reproduce any copyrighted document submitted as a part of this application for any third party. I further agree to all terms and conditions, which may be imposed as part of the approval of this application.

OWNER/CONTRACT PURCHASER: I am the Owner Contract Purchaser (✓one)

Grace Achille
(Name - type, stamp or print clearly)
17816 Valencia Blvd
(Address)

Quincy Ochoa
(Signature)
Loxahatchee, Florida 33449
(City, State, Zip)

AGENT:

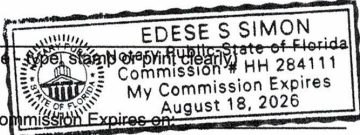
Darma Sainmervil
(Name - type, stamp or print clearly)
10606 Versailles Boulevard
(Address)

JM Properties of W. Palm Beach, Inc.
(Name of firm)
Wellington, Florida 33449
(City, State, Zip)

NOTARY PUBLIC INFORMATION:

**STATE OF FLORIDA
COUNTY OF PALM BEACH**

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 30 day of January, 2024 by GRACE ACHILLE (name of person acknowledging). He/she is personally known to me or has produced _____ (type of identification) as identification and did/did not take an oath (circle correct response).

Ede S Simon
(Name - type, stamp or print clearly)

My Commission Expires on: _____

Ede S Simon
(Signature)

NOTARY'S SEAL OR STAMP

Exhibit I – CHANGE OF CONTRACTOR FORM



PALM BEACH COUNTY BUILDING DIVISION

2300 N. Jog Road
West Palm Beach, Florida 33411
Telephone (561) 233-5000
Website: www.pbcgov.org/pzb

CHANGE OF CONTRACTOR FORM

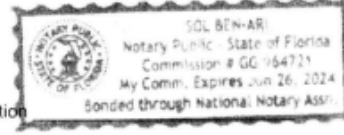
Application / Permit Number: PR-2020-014955-0000
Address of Project: 17816 VALENCIA BOULEVARD, LOXAHATCHEE 33470
Name of Contractor Being Released: JEAN ACHILLE as of: 12/30/20

New Contractor - Complete this section:

Name of New Contractor Assuming Responsibility: HAGAMAN CONSTRUCTION LLC
Address of Assuming Party: 1688 MERIDIAN AVENUE 700, MIAMI BEACH FL 33139
Qualifiers Name: GARY HAGAMAN License Number: CGC 1517694
Signature of Qualifier: [Signature] Date: 12/28/20

STATE OF FLORIDA
COUNTY OF
The foregoing instrument was acknowledged before me this 28th day of DECEMBER
20 20 by Gary Hagaman (Name of person acknowledging)

[Signature of Notary Public]
(Signature of Notary Public)



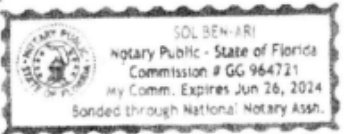
Personally known OR Produced Identification
Type of Identification

Owner - Complete this section:

I, the Owner, acknowledge that the previous contractor was removed from the permit number listed above and, I, the Owner, shall assume full responsibility for the work completed by the previous contractor and hold the Palm Beach County, its agents, employees and elected officers harmless and without liability for the removal of my previous contractor and any work performed before, during or after such removal. I understand that a Change of Contractor fee will apply for this change if the permit has already been issued, and that any sub-permits which may exist at this time must be re-applied for in order to move forward.

Owner's signature: Jean R. Achille Date: 12-28-20
STATE OF FLORIDA
COUNTY OF
The foregoing instrument was acknowledged before me this 28th day of DECEMBER
20 20 by Jean Achille (Name of person acknowledging)

[Signature of Notary Public]
(Signature of Notary Public)



Personally known OR Produced Identification
Type of Identification

Exhibit J – OWNER BUILDER AFFIDAVIT & DISCLOSURE STATEMENT



PLANNING, ZONING AND BUILDING DEPARTMENT PR# : _____
BUILDING DIVISION PERMIT CENTER 2300 N. Jog Rd. West Palm Beach, FL 33411
Website: www.pbcgov.com/pzb/building Tel:(561) 233-5100 Fax:(561) 233-5020

OWNER/BUILDER AFFIDAVIT & DISCLOSURE STATEMENT FORM

The provisions of Florida Statutes Chapter 489.103(7) require construction to be done by licensed contractors. You have applied for a permit under an exemption to that law that allows you, as the owner of your property, to act as your own contractor, even though you do not have a license. You may build or improve a one-family or two-family residence or a farm outbuilding, or build or improve a commercial building at a cost of \$75,000 or less in value, within any 12-month period, provided the residence or farm outbuilding is for your own use and occupancy. It may not be built for sale or lease. The construction must be performed according to Building Codes and Zoning Regulations. It is your responsibility to make sure that people employed by you have licenses, workers' compensation, and insurance required by State law and by County licensing ordinances. You must perform, or supervise the construction yourself, and possess technical knowledge to personally supervise all permitted work, if not performed by a licensed contractor.

Therefore, as the Owner/Builder:

1. I understand that state law requires construction to be done by a licensed contractor and I have applied for an owner-builder permit under an exemption from the law. The exemption specifies that I, as the owner of the property listed in this affidavit, may act as my own contractor with certain restrictions even though I do not have a license.
2. I understand that building permits are not required to be signed by a property owner unless he or she is responsible for the construction and is not hiring a licensed contractor to assume responsibility.
3. I understand that, as an owner-builder, I am the responsible party of record on a permit. I understand that I may protect myself from potential financial risk by hiring a licensed contractor and having the permit filed in his or her name instead of my own name. I also understand that a contractor is required by law to be licensed in Florida and to list his or her license numbers on permits and contracts.
4. I understand that I may build or improve a one-family or two-family residence or a farm outbuilding. I may also build or improve a commercial building if the costs do not exceed \$75,000. The building or residence must be for my own use or occupancy. It may not be built or substantially improved for sale or lease, unless I am completing the requirements of a building permit where the contractor listed on the permit substantially completed the project. If a building or residence that I have built or substantially improved myself is sold or leased within 1 year after the construction is complete, the law will presume that I built or substantially improved it for sale or lease, which violates the exemption.
5. I understand that, as the owner-builder, I must provide direct, onsite supervision of the construction.
6. I understand that I may not hire an unlicensed person to act as my contractor or to supervise persons working on my building or residence. It is my responsibility to ensure that the persons whom I employ have the licenses required by law and by county or municipal ordinance.
7. I understand that it is a frequent practice of unlicensed persons to have the property owner obtain an owner-builder permit that erroneously implies that the property owner is providing his or her own labor and materials. I, as an owner-builder, may be held liable and subjected to serious financial risk for any injuries sustained by an unlicensed person or his or her employees while working on my property. My homeowner's insurance may not provide coverage for those injuries. I am willfully acting as an owner-builder and am aware of the limits of my insurance coverage for injuries to workers on my property.
8. I understand that I may not delegate the responsibility for supervising work to a licensed contractor who is not licensed to perform the work being done. Any person working on my building who is not licensed must work under my direct supervision and must be employed by me, which means that I must comply with laws requiring the withholding of federal income tax and social security contributions under the Federal Insurance Contributions Act (FICA) and must provide workers' compensation for the employee. I understand that my failure to follow these laws may subject me to serious financial-risk.

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9. I agree that, as the party legally and financially responsible for this proposed construction activity, I will abide by all applicable laws and requirements that govern owner-builders as well as employers. I also understand that the construction must comply with all applicable laws, ordinances, building codes, and zoning regulations.
10. I understand that I may obtain more information regarding my obligations as an employer from the Internal Revenue Service, the United States Small Business Administration, the Florida Department of Financial Services, and the Florida Department of Revenue. I also understand that I may contact the Florida Construction Industry Licensing Board at (850) 487-1395 or <http://www.myfloridalicense.com/dbpr/pro/cilb/> for more information about state licensed contractors, or the Palm Beach County Construction Industry Licensing Board at (561) 233-5525 or <http://discover.pbcgov.org/pzb/contractors/Pages/Construction-Industry-Licensing-Board.aspx> for more information about county registered contractors.
11. I am aware of, and consent to an owner-builder building permit applied for in my name and understand that I am the party legally and financially responsible for the proposed construction activity at the following address: _____
12. I agree to notify the Palm Beach County Building Division immediately of any additions, deletions, or changes to any of the information that I have provided on this disclosure.

Licensed contractors are regulated by laws designed to protect the public. If you contract with a person who does not have a license, the Construction Industry Licensing Board and Department of Business and Professional Regulation may be unable to assist you with any financial loss that you sustain as a result of a complaint. Your only remedy against an unlicensed contractor may be in civil court. It is also important for you to understand that, if an unlicensed contractor or employee of an individual or firm is injured while working on your property, you may be held liable for damages. If you obtain an owner-builder permit and wish to hire a licensed contractor, you will be responsible for verifying whether the contractor is properly licensed and the status of the contractor's workers' compensation coverage.

Important Notice: Do not sign this form or the accompanying permit application before you appear in person at the Building Division permit counter. County staff must notarize these forms for you. Please bring a copy of your driver's license or other government issued picture ID with you.

Pursuant to Florida Law, Chapter 489 Part I, property owners qualified to act as their own contractor must personally appear at the building department and sign the permit application, and this affidavit.

OWNER/BUILDER AFFIDAVIT & DISCLOSURE STATEMENT FORM

I, the owner of the property located at:

Street Address _____, do hereby certify that I have read the Owner/Builder Affidavit & Disclosure Statement Form, and I am aware of my responsibilities and liabilities for construction work on the above-described property. I do hereby agree to abide by each of the above statements. I further understand that any falsification of the above statements constitutes fraud and may result in revocation of this permit.

X Jean R. Achille JEAN R. ACHILLE
 Owner (signature) Owner (print)

State of Florida
 County of Palm Beach

Sworn to (or affirmed) and subscribed before me this 5 day of MAY 2020 by

JEAN ACHILLE
 (Name of Person Acknowledging)

Vadewatie Arjune
 (Signature of Notary Public – State of Florida)



(Print, Type or Stamp Commissioned Name of Notary Public)

Personally Known _____ or Produced Identification
 Type of Identification Produced FL DL