

PALM BEACH COUNTY  
CONSTRUCTION BOARD OF ADJUSTMENTS AND APPEALS  
WEST PALM BEACH, FLORIDA

GERALD B & FAYE GALISHOFF, ARTHUR FUCHS & CAROL A FUCHS TRUST

APPELLANT, ) CASE NO. 2021-16  
) PCN 00-42-46-09-21-000-5940  
Vs. ) PCN 00-42-46-09-21-000-5950  
) CERTIFIED MAIL

PALM BEACH COUNTY, BUILDING DIVISION )

APPELLEE,

**BOARD ORDER**

This matter came before the Construction Board of Adjustments and Appeals (CBAA) on January 13, 2022. The CBAA, having heard testimony of witnesses, received evidence and having been duly advised in the premises, makes the following finding of fact and conclusions of law:

1. This case involves the properties located at 7403 Cortes Lake Drive, Delray Beach, FL 33446 and 7409 Cortes Lake Drive, Delray Beach, FL 33446 ("Property"). Both of the above-cited property owners ("Appellants") were represented at the hearing by their contractor, John Cramer.
2. Appellants received notice that the underground gas tanks installed on their properties are installed in a manner not compliant with the NFPA, i.e. they are too close to the residential structures.
3. On October 8, 2021, Appellants filed its Notice of Appeal to the CBAA, pursuant to Section 116.1.1, PBC Amendments.
4. On January 13, 2022, John Cramer appeared at the CBAA on behalf of Appellants CBAA to request the board to overturn the Building Official's decision and to approve the gas tank installation as is. Mr. Cramer argued that the NFPA requires that the distance of the tank to the residential structure must be measured from the tank to the foundation and not from the tank to the nearest overhanging roof.
5. Doug Wise, the Palm Beach County Building Official testified that the measurement should be tank from the gas tank to the nearest hard roof.


IT IS, therefore, **ORDERED** that:

1. The request to overturn the decision of the Building Official is denied. Therefore, the gas tanks must be removed.

A certified copy of this Order may be recorded in the public records of Palm Beach County, Florida, and shall thereafter constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property. The findings in this Order shall be binding upon Appellant and, if the violation concerns real property, any subsequent purchasers, successors in interest, or assigns pursuant to Article 10 of the Palm Beach County Unified Land Development Code and Chapter 162, Florida Statutes, as may be amended.

Appellants may appeal this Order to the Circuit Court of Palm Beach County. Such appeal shall be limited to appellate review of the record created before the CBAA. Such appeal, if filed, shall be considered timely if it is filed within 30 days of the execution of this Order.

DONE & ORDERED, this 18 day of February 2022 in West Palm Beach, Florida

  
\_\_\_\_\_  
Rex Kirby, Chair  
Palm Beach County Construction Board of Adjustments and Appeals

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT REPRESENTATION OF FINDINGS

  
\_\_\_\_\_  
Doug Wise, Building Official  
Palm Beach County

2/18/22  
\_\_\_\_\_  
Date

Copy furnished to:

Shannon Fox  
County Attorney's Office  
301 South Olive Avenue  
West Palm Beach, FL 33401

Ryan Maher  
County Attorney's Office  
301 South Olive Avenue  
West Palm Beach, FL 33401

John Cramer  
757 S.E. 17th #176  
Ft. Lauderdale, FL 33316

Palm Beach County Building Division  
2300 N. Jog Road  
West Palm Beach, FL 33411

Structure Description: A single family dwelling of approximately 2,845 sq. ft.  
A single family dwelling of approximately 2,786 sq. ft.

Legal Description: VALENCIA FALLS PL 10 LT 594  
VALENCIA FALLS PL 10 LT 595

Property Address: 7403 CORTES LAKE DRIVE, DELRAY BEACH, FL 33446  
7409 CORTES LAKE DRIVE, DELRAY BEACH, FL 33446