



Construction Services Department
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"The Capital City of the Palm Beaches"

**CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS
LOCAL CONSTRUCTION REGULATION BOARD**

AGENDA

April 20, 2006

This regular meeting of the Construction Board of Adjustment and Appeals will be held on April 20, 2006, at 2 p.m. in the City Commission Chambers, West Palm Beach City Hall, 200 2nd Street, West Palm Beach, Florida.

SHOULD ANY INTERESTED PARTY SEEK TO APPEAL ANY DECISION MADE BY THE BOARD WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH A MEETING OR HEARING, HE WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSE HE MAY NEED TO INSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND THE EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. THE CITY OF WEST PALM BEACH DOES NOT PREPARE OR PROVIDE SUCH A RECORD.

- ▶ **CALL TO ORDER/ROLL CALL**
- ▶ **APPROVAL OF MINUTES** from the meeting of March 16, 2006

CASE NUMBER 1297 801 South Olive Avenue
Lots 1-7 & 11-13
Block F
Phillips Point
Kolter City Ltd.

The applicant is requesting an extension to the Partial/Conditional Certificate of Occupancy beyond the allowable original issuance and 2 extensions up to 90 days prescribed in the City's adopted Resolution No. 47-06 establishing the Building Permit Fee Schedule of Rates and Charges. This resolution authorizes the issuance of a Partial

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and/or Conditional Certificate of Occupancy valid for a period of 30 days, and up to 2 extensions of 30 days each for a total of 90 days. Any extensions beyond 90 days from the original issuance must be granted by the Construction Board of Adjustment and Appeals.

CASE NUMBER 1298 610 Clematis
Lot 1
Block 29
BAP Development
Luis Latorre

The applicant is requesting another extension to the Partial/Conditional Certificate of Occupancy granted by the Board at the February meeting. This is beyond the 60 days granted by the Board which was beyond the allowable 90 days prescribed in the City's adopted Resolution No. 47-06 establishing the Building Permit Fee Schedule of Rates and Charges. This resolution authorizes the issuance of a Partial and/or Conditional Certificate of Occupancy valid for a period of 30 days, and up to 2 extensions of 30 days each for a total of 90 days. Any extensions beyond 90 days from the original issuance must be granted by the Construction Board of Adjustment and Appeals.

CASE NUMBER 1296 717 South Olive Avenue
Lots 1-8 and 11-15
Block E
Phillips Point
Kolter City Plaza II, Inc.
Lawrence Cohen

The applicant is appealing the decision of the building official, specifically the determination that plans were rejected three or more times for failure to correct a code violation specifically and continuously noted in each rejection. This specific requirement is prescribed in Florida Statutes 553.80(2)(b), which states:

“With respect to evaluation of design professionals’ documents, if a local government finds it necessary, in order to enforce compliance with the Florida Building Code and issue a permit, to reject design documents required by the code three or more times for failure to correct a code violation specifically and continuously noted in each rejection, including, but not limited to, egress, fire protection, structural stability, energy, accessibility, lighting, ventilation, electrical, mechanical, plumbing, and gas systems, or other requirements identified by rule of the Florida Building Commission adopted

pursuant to chapter 120, the local government shall impose, each time after the third such review the plans are rejected for that code violation, a fee of four times the amount of the proportion of the permit fee attributed to plans review.”

This appeal is in reference to the building official’s interpretation as it relates to the failure to correct the violations and not an appeal to the provisions of Florida Statutes, as this is outside the authority of the Construction Board of Adjustment and Appeals.

LOCAL CONSTRUCTION REGULATION BOARD

The Construction Board of Adjustment and Appeals, acting as the Local Construction Regulation Board, will hear the following:

LCRB CASE NUMBER 3

Robert Lee Merickle
Blue Haven of West Palm Beach, Inc.

Neil K. Melick, CBO
Building Official