



*"The Capital City of the Palm Beaches"*

**Construction Services Department**

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**CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS**

**MINUTES**

**June 17, 2004**

This regular meeting of the City of West Palm Beach Construction Board of Adjustment and Appeals was called to order at 2 p.m. in the City Hall Commission Chambers, 200 2<sup>nd</sup> Street, West Palm Beach, Florida.

**PRESENT:** Charles Adams, Chairman  
Daniel Canavan  
Michael Davila  
Timothy Hulihan  
Thomas McCarthy  
Keith Spina (arrived after roll call)  
Hal Bradford, Assistant City Attorney/Board Counsel  
Pamela Yusko, Recording Secretary

**APPROVAL OF MINUTES:** Motion was made by Michael Davila and seconded by Daniel Canavan to approve the Minutes of the May 20, 2004 meeting. Motion carried.

**CASE NUMBER 1166**      3311 Pinewood Avenue  
Lot 15  
Block 54  
Northwood  
Carl Bryant

Speaking on behalf of this case was Carl Bryant. Tom Moore, Building/Demolition Inspector, represented the City, and a videotape of the property was shown.

Motion was made by Tom McCarthy and seconded by Daniel Canavan that: **AN ADDITIONAL THIRTY (30) DAYS IS GRANTED FOR COMPLETION.** Motion carried.

*"An Equal Opportunity Employer"*

**CASE NUMBER 1190**      620 7<sup>th</sup> Street (aka 638)  
Lot 6  
Block 3  
Clows Add.  
Alice Moore

Presenting this case to the Board was contractor Timothy Wingate. Speaking on behalf of the City was Tom Moore, Building/Demolition Inspector. A videotape of the property was shown.

Motion was made by Tom McCarthy and seconded by Daniel Canavan that: **AN ADDITIONAL THIRTY (30) DAYS IS GRANTED FOR COMPLETION.** Motion carried.

**CASE NUMBER 1204**      920 6<sup>th</sup> Street  
Lot 6  
Block 9  
Clows Add.  
Thelma L. White  
Thelma W. Rich

Due to surgery, there was no applicant in attendance to present this case. Tom Moore, Building/Demolition Inspector, represented the City and a videotape of the property was shown. Applicant is requesting a postponement until the next meeting.

Motion was made by Daniel Canavan and seconded by Michael Davila that: **THIS CASE WILL BE POSTPONED UNTIL THE NEXT REGULARLY SCHEDULED MEETING.** Motion carried.

**CASE NUMBER 1262**      319 Sapodilla (aka 311-313)  
Lots 1 & 2  
Block 32  
Clows Addition  
Fritz & Nivia Jean-Louis  
Kevin Crowley

Presenting this case to the Board were Kevin Crowley and Nivia Jean-Louis. Representing the City were Tom Moore, Building/Demolition Inspector and Sherry

Piland, City of West Palm Beach Historic Preservation Planner, who was in favor of saving the structure. A videotape of the property was shown.

Motion was made by Daniel Canavan and seconded by Tom McCarthy that: **THE BOARD AGREES WITH AND ADOPTS THE CITY'S FINDINGS OF FACT AS SUBMITTED BY STAFF. APPLICANT IS TO BOARD AND SECURE THE SITE WITHIN 7 DAYS IN ACCORDANCE WITH CITY CODES AND REGULATIONS AND MAINTAIN SUCH THROUGHOUT THE DURATION OF THE PROJECT. CONSTRUCTION IS TO START WITHIN 15 DAYS AFTER ISSUANCE OF PERMIT. CONSTRUCTION IS TO BE SUBSTANTIALLY COMPLETED WITHIN 150 DAYS AFTER COMMENCING WITH THE WORK AND WORK IS TO STEADILY PROGRESS TO COMPLETION. IF ANY OF THESE REQUIREMENTS ARE NOT MET, THE DEMOLITION ORDER SHALL BE REINSTATED.** Motion carried.

**CASE NUMBER 1258**      239 9<sup>th</sup> Street  
   Lots 25 & 26  
   Gruber-Carlberg Addition  
   Karl H. Pfneudl  
   William R. H. Broome

Presenting this case to the Board was Bill Broome, attorney for the owner. Also present was Michael Kravit, architect. Representing the City were Bill Staples, Acting Construction Services Director/Building Official and Nate McCray from the City of West Palm Beach Fire Department.

Motion was made by Daniel Canavan and seconded by Timothy Hullivan that: **THE BOARD AGREES WITH AND ADOPTS THE CITY'S FINDINGS OF FACT AS SUBMITTED. REQUEST IS GRANTED TO INSTALL A FIRE SPRINKLER SYSTEM IN LIEU OF PROTECTED OPENINGS, PROVIDED THE APPLICANT PROVIDE OUTSIDE MONITORING, TIE THE SYSTEM IN AHEAD OF THE METER, SPRINKLER THE ENTIRE BUILDING, INSIDE AND OUTSIDE OF ALL OPENINGS ON THE BALCONY AND STAIRS AND WITHIN THE 10 FOOT SHADOW. THE SYSTEM IS TO BE DESIGNED AND ACCEPTABLE TO THE FIRE MARSHAL.** Motion carried.

**CASE NUMBER 1259**      1935 North Dixie Highway  
   John W. Bush Jr.  
   Harry Bush

Presenting this case to the Board were Bill and Barbara Bush. Representing the City was Bill Staples, Acting Construction Services Director/Building Official.

After much discussion, Motion was made by Timothy Hulihan and seconded by Daniel Canavan that: **THIS CASE WILL BE HEARD AGAIN AT THE NEXT REGULARLY SCHEDULED MEETING TO ALLOW THE APPLICANT TO GATHER ADDITIONAL INFORMATION.** Motion carried.

**CASE NUMBER 1260**      851 South Olive Avenue  
(Appeal of Decision)      Lots 1-7 and 11-13  
Block F  
Phillips Point  
Kolter City Plaza, Ltd.  
Ken Taylor

Larry Cohen presented this case to the Board. Representing the City was Bill Staples, Acting Construction Services Director/Building Official.

Motion was made by Timothy Hulihan and seconded by Daniel Canavan that: **THIS APPEAL OF THE BUILDING OFFICIAL'S DECISION IS DENIED.** Motion carried.

**CASE NUMBER 1261**      851 South Olive Avenue  
(Variance Request)      Lots 1-7 and 11-13  
Block F  
Phillips Point  
Kolter City Plaza, Ltd.  
Ken Taylor

Larry Cohen presented this case to the Board. Representing the City was Bill Staples, Acting Construction Services Director/Building Official.

Motion was made by Timothy Hulihan and seconded by Daniel Canavan that: **BOARD AGREES WITH AND ADOPTS THE CITY'S FINDINGS OF FACT AS PRESENTED. VARIANCE IS GRANTED FOR THE MATERIALS TO BE USED AS AN ALTERNATE MEANS AND METHOD TO ACHIEVE COMPLIANCE WITH THE FLORIDA BUILDING CODE.** Motion carried.

**Other Business**

Lisa Conforti, Assistant City Attorney, had new information for the Board about 3109 Broadway (Case 1183) and 3115 Broadway (Case 1184), which had been ordered demolished at the meeting of May 20, 2004. There has been a significant change in circumstances and demonstrated public interest in trying to save the property. The property is now for sale and a sales contract has been entered into. In attendance were the current owner, new owner, and mortgage holder, requesting that the Board reconsider the recent demolition Orders.

Motion was made by Timothy Hullihan and seconded by Daniel Canavan that: **THE DEMOLITION ORDER SHALL REMAIN IN PLACE. HOWEVER, THE NEW OWNER IS GRANTED FIVE (5) WORKING DAYS TO TAKE ACTION AND CLEAN, SECURE AND BOARD UP THE PROPERTY. A SIX (6) FOOT CHAIN LINK FENCE IS TO BE INSTALLED AROUND THE PROPERTY. IF THESE CONDITIONS ARE MET TO THE CITY'S SATISFACTION (DETERMINED BY THE BUILDING DEPARTMENT) WITHIN THE AFOREMENTIONED FIVE (5) DAYS, THE DEMOLITION ORDER WILL BE LIFTED. THE OWNER IS TO APPEAR AT THE NEXT BOARD MEETING WITH A FULLY OUTLINED SCHEDULE AND PLAN OF ATTACK.** Motion carried, with Charles Adams and Michael Davila in opposition.

Joe Slonin, who presented his property at 537 41<sup>st</sup> Street to the Board at the meeting of May 20, 2004 (Case 1257), was in attendance to request an extension of time to the Order issued at that time. The Board granted the applicant's request to hear this case at July's meeting.

As there was no further business to come before the Board at this time, the meeting was adjourned at 4 p.m.

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Charles Adams  
Chairman