



Construction Services Department

P.O. Box 3366
West Palm Beach, Florida 33402
Telephone: 561/805-6700
Fax: 561/805-6676

"The Capital City of the Palm Beaches"

CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS

MINUTES

February 15, 2007

This regular meeting of the City of West Palm Beach Construction Board of Adjustment and Appeals was called to order at 2:09 p.m. in the City Hall Room 519 Conference Room, 200 2nd Street, West Palm Beach, Florida.

PRESENT: Timothy Hulihan, Vice/Acting Chairman
Michael Davila
Thomas McCarthy
Keith Spina
Lisa Conforti, Assistant City Attorney
Deborah Polen, Recording Secretary

ABSENT: Daniel Canavan
Everett Fennell
Larry Rowe

APPROVAL OF MINUTES: Motion was made by Keith Spina and seconded by Michael Davila to approve the Minutes of the November 16, 2006 meeting. Motion carried.

CASE NUMBER 1313 805 20th Street
 Lot 19
 Block 6
 Washington Heights
 Freddy & Arnetta McCloud

Neil Melick, Building Official, provided a staff report on this case. Tom Moore, Building/Demolition Inspector, showed a video and passed out pictures.

Motion was made by Michael Davila that: **THE BOARD AGREES WITH AND ADOPTS THE FINDINGS OF FACT AS SUBMITTED BY STAFF. THE PETITIONER IS TO RE-SECURE THE PROPERTY WITHIN 7 DAYS IN ACCORDANCE WITH CITY CODES AND REGULATIONS AND MAINTAIN SUCH THROUGHOUT THE DURATION OF THE PROJECT. DRAWINGS PREPARED BY AN ARCHITECT OR ENGINEER ARE TO BE SUBMITTED WITHIN 7 DAYS FOR PERMIT, AND SHALL INDICATE THAT THE EXISTING STRUCTURE MEETS OR IS BEING BROUGHT UP TO THE CURRENT CODES. ALL PERMIT REVIEW COMMENTS ARE TO BE**

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ADDRESSED AND DRAWINGS RESUBMITTED WITHIN 15 DAYS AFTER NOTIFICATION THAT REVISIONS ARE REQUIRED. CONSTRUCTION SHALL BEGIN WITHIN 30 DAYS AFTER ISSUANCE OF PERMIT. CONSTRUCTION IS TO STEADILY PROGRESS TO COMPLETION. IF ANY OF THESE REQUIREMENTS ARE NOT MET, THE DEMOLITION ORDER SHALL BE REINSTATED. Motion was seconded by Thomas McCarthy and passed unanimously.

CASE NUMBER 1268 419 Lakeview
 Lots 1-8 and 13-20
 Block 57
 Opera Place, LLC

Neil Melick, Building Official, spoke for the City in agreeing with the Owner's motion to vacate the order of Construction Board of Adjustment and Appeals dated October 21, 2004 concerning Case Number 1268, recorded at Palm Beach County on November 4, 2004, Book 17729, Page 0203 of the public records. Provision is no longer applicable.

Motion was made by Michael Davila that: **THE BOARD AGREES WITH AND ADOPTS THE FINDINGS OF FACT AS SUBMITTED BY STAFF, AND SUPPORTS THE STAFF'S RECOMMENDATION TO VACATE THE PREVIOUS ORDER OF THE BOARD.** Motion was seconded by Thomas McCarthy and passed unanimously.

CASE NUMBER 1311 447 20th Street
 Lot 12
 Block 5
 Pleasant City
 Nettie F. Goods

Neil Melick, Building Official, provided a staff report on this case. Tom Moore, Building/Demolition Inspector, showed a video and passed out pictures.

Desmond Regis, 609 20th Street, appeared to represent the Owner as Manager of the Property, but had no designation letter from the Owner.

Motion was made by Michael Davila that: **THE BOARD AGREES WITH AND ADOPTS THE FINDINGS OF FACT AS SUBMITTED BY STAFF, BUT GRANTS A ONE-MONTH EXTENSION TO THE OWNER TO HAVE THE FOUNDATION EVALUATED AND DETERMINE WHETHER THEIR INTENTION IS TO REPAIR THE BUILDING. THE OWNER HERSELF (OR LEGALLY DESIGNATED REPRESENTATIVE) MUST APPEAR AT THE NEXT MEETING OF THE BOARD WITH A SIGNED AND SEALED ENGINEER'S REPORT ON THE CONDITION OF THE FOUNDATION AND THEIR RECOMMENDATION FOR RENOVATION. IF THIS REQUIREMENT IS NOT MET,**

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THE DEMOLITION ORDER SHALL BE REINSTATED. Motion was seconded by Thomas McCarthy and passed unanimously.

CASE NUMBER 1312 614 56th Street
 Lots 11 & 12
 Block 63
 NPB Plat 4
 Carolyn Goldberg
 Mark H. Goldberg

Neil Melick, Building Official, spoke for the City, with a video presented by Tom Moore, Building/Demolition Inspector. Mark Goldberg, attorney, represented the Owner, together with Alex Gonzalez, agent for Carolyn Goldberg.

After discussion of the City's valuation process, a motion was made by Michael Davila that: **THE BOARD AGREES WITH AND ADOPTS THE FINDINGS OF FACT AS SUBMITTED BY STAFF. THE OWNER MUST MAINTAIN THE BOARDING OF THE STRUCTURE TO KEEP PEOPLE OUT OF IT IN ACCORDANCE WITH CITY CODES AND REGULATIONS AND MAINTAIN SUCH THROUGHOUT THE DURATION OF THE PROJECT. DRAWINGS PREPARED BY AN ARCHITECT OR ENGINEER ARE TO BE SUBMITTED WITHIN 60 DAYS FOR PERMIT AND SHALL INDICATE THAT THE EXISTING STRUCTURE MEETS OR IS BEING BROUGHT UP TO THE CURRENT CODES. ALL PERMIT REVIEW COMMENTS ARE TO BE ADDRESSED AND DRAWINGS RESUBMITTED WITHIN 15 DAYS AFTER NOTIFICATION THAT REVISIONS ARE REQUIRED. CONSTRUCTION SHALL BEGIN WITHIN 30 DAYS AFTER ISSUANCE OF PERMIT. CONSTRUCTION IS TO STEADILY PROGRESS THROUGH COMPLETION. IF ANY OF THESE REQUIREMENTS ARE NOT MET, THE DEMOLITION ORDER SHALL AUTOMATICALLY BE REINSTATED.** Motion was seconded by Thomas McCarthy and passed unanimously.

CASE NUMBER 1314 717 South Olive Avenue
 Kolter City Plaza II, Inc.
 Ed Jahn

Larry Cohen, Architect, spoke for the Applicant, with Ed Jahn and Bob Ginader adding comments.

Robert Brown, Assistant Building Official, presented the City's case.

After discussion among the Board members, a motion was made by Michael Davila that: **THE BOARD AGREES WITH AND ADOPTS THE FINDINGS OF FACT AS SUBMITTED**

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BY STAFF, BUT ALLOWS THE APPLICANT THE OPPORTUNITY TO PRESENT A TEST REPORT FROM A RECOGNIZED TESTING LABORATORY TO JUSTIFY A 2-HOUR FIRE RESISTANCE RATING AT THE JOINT BETWEEN A MASONRY BLOCK PARTITION WALL AND A CONCRETE FLOOR SLAB. IF SUCH A REPORT CAN BE PROVIDED FOR STAFF REVIEW, IT WILL NOT BE NECESSARY FOR THIS CASE TO REAPPEAR BEFORE THE BOARD. Motion was seconded by Thomas McCarthy and passed unanimously.

CASE NUMBER 1307

1515 South Flagler Drive
Lot 12/Plan #2
Arkona Court
Tower 1515 Condominium Apts. Assoc. Inc.
David A. Core, Esq.

Neil Melick, Building Official, gave a status update. The Association still has standing; therefore, the appeal of the current condo association still stands.

As there was no further business to come before the Board at this time, this meeting was adjourned at 3:30 p.m.

Timothy Hullivan
Vice-Chairman