



*"The Capital City of the Palm Beaches"*

**Construction Services Department**

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

**CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS**

**MINUTES**

**March 15, 2007**

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:** Timothy Hulihan, Vice/Acting Chairman  
Michael Davila  
Everett Fennell  
Larry Rowe  
Kimberly Rothenburg, Assistant City Attorney/Board Counsel  
Pamela Yusko, Recording Secretary

**ABSENT:** Daniel Canavan  
Thomas McCarthy  
Keith Spina

**APPROVAL OF MINUTES:** Motion was made by Michael Davila and seconded by Everett Fennell to approve the Minutes of the February 15, 2007 meeting. Motion carried.

**CASE NUMBER 1311**      447 20<sup>th</sup> Street  
Lot 12  
Block 5  
Pleasant City  
Nettie F. Goods

The applicant for this case was not in attendance at this time, so it was moved to the end of the Agenda.

*"An Equal Opportunity Employer"*

**CASE NUMBER 1316**      2102 Ponce de Leon  
Lot 9  
Block 5  
Bethesda Park  
Erin Gaieski  
Joann Gaieski

The applicant for this case was not in attendance at this time, so it was moved to the end of the Agenda.

**CASE NUMBER 1320**      1917 N. Tamarind a/k/a 1912-1914  
E35' of Lot 10  
Block 10  
Washington Heights  
Carrie B. Odum

Carrie Odum, Lorenzo Odum and the contractor from All Site Construction presented this case to the Board. Speaking on behalf of the City were Neil Melick, Building Official and Tom Moore, Building/Demolition Inspector. A videotape of the property was shown.

Motion was made by Michael Davila and seconded by Everett Fennell that: **THIS CASE BE CONTINUED TO THE NEXT REGULARLY SCHEDULED BOARD MEETING, AT WHICH TIME THE APPLICANT WILL ADVISE AS TO HOW THEY ARE GOING TO PROCEED WITH REGARDS TO THE DEMOLITION ORDER.** Motion passed.

**CASE NUMBER 1319**      1121 9<sup>th</sup> Street  
Lot 15  
Block 47  
Lake Avenue Add.  
Juan C. Gonzalez

Presenting this case to the Board were Juan and Wendy Gonzalez. Neil Melick, Building Official and Tom Moore, Building/Demolition Inspector, represented the City on behalf of this case.

Motion was made by Larry Rowe and seconded by Michael Davila that: **IN THE NEXT 2 WEEKS, THE PROPERTY IS TO BE CLEANED UP AND DEBRIS GONE. BY MAY'S MEETING, PLANS ARE TO BE SUBMITTED AND A GAME PLAN IN PLACE. THIRTY DAYS IS GRANTED TO OBTAIN PERMISSION FROM HISTORIC PRESERVATION AND COMPLETE DEMOLITION OF THE**

**GARAGE. IF THERE ARE ANY PLAN REVIEW COMMENTS NOTED, THOSE COMMENTS ARE TO BE RESPONDED TO WITHIN FIFTEEN (15) DAYS.** Motion passed.

**CASE NUMBER 1318**      635 Evernia Street  
Leap Group  
Steve Tsompanas

Sean Tsompanas presented this case to the Board. Rafael Clemente from the Downtown Development Authority, Howard Pincus and Lt. Randy Maale from the City of West Palm Beach Police Department spoke on behalf of demolishing the buildings on the property. Representing the City were Neil Melick, Building Official and Tom Moore, Building/Demolition Inspector.

Motion was made by Michael Davila and seconded by Larry Rowe that: **THIS APPEAL FOR EXTENSION OF TIME IS REJECTED. DEMOLITION IS TO PROCEED.** Motion passed.

**CASE NUMBER 1317**      401 Clematis  
Lots 1 & 2  
Block 10  
PB1P2 & 38 & PB2P10  
City of WPB CRA  
Catalfumo Construction & Development, Inc.

The applicant's request is as follows: *The applicant is requesting an appeal of the decision/interpretation of the Building Official. The appeal as to the interpretation is specific to the determination that the absence of roof-mounted mechanical or electrical equipment does not alleviate the requirement for stairway access to the roof. The appeal as to the decision is specific to the determination that a stairway is required to access the roof area south of the barrel vault pursuant to Florida Building Code, Building, 2004 Edition, specifically Section 1009.12, Access to Roof, which states that buildings four stories or more in height, except those with a roof slope greater than 4:12, shall be provided with a stairway to the roof.*

Tom Kastner, Vice-President and Senior Project Manager with Song and Associates and David Tilletson, Architect and Director of Quality Control with Song and Associates, presented a powerpoint presentation to the Board. Neil Melick, Building Official and Robert Brown, Assistant Building Official, represented the City.

Motion was made by Michael Davila and seconded by Everett Fennell that: **THE BOARD ACCEPTS THE CITY'S FINDINGS OF FACT AND HAS DECIDED TO REJECT THIS APPEAL.** Motion passed, with Larry Rowe in opposition.

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

The applicant's request is as follows: *At the meeting of February 15, 2007, the Board issued the following Order: **THE BOARD AGREES WITH AND ADOPTS THE FINDINGS OF FACT AS SUBMITTED 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.***

Larry Cohen, architect for Two City Plaza, and Ed Jahn, with Kolter, presented this case before the Board. Representing the City were Neil Melick, Building Official and Robert Brown, Assistant Building Official. Mr. Cohen provided the Board with several hand-outs.

After lengthy discussion, a Motion was made by Michael Davila and seconded by Everett Fennell that: **THE APPEAL SOUGHT BY THE APPLICANT IS APPROVED AND THE BOARD AGREES WITH THE CONTENTION IN CHAPTER 21 AND CHAPTER 7, SPECIFICALLY SECTION 709.3, AS TO THE RATING OF THE WALL. CONSTRUCTION OF THE WALL ITSELF PROVIDES THE REQUIRED RATING; USING THE BLOCK WITH MORTAR JOINT AT THE TOP IS A COMMON CONSTRUCTION FEATURE WE WOULD EXPECT TO SEE IN AN IN-FILL WALL.** Motion passed.

From beginning of Agenda:

**CASE NUMBER 1311**      447 20<sup>th</sup> Street  
Lot 12  
Block 5  
Pleasant City  
Nettie F. Goods

Gordon Goods presented this case to the Board. Neil Melick, Building Official and Tom Moore, Building/Demolition Inspector, represented the City.

Motion was made by Everett Fennell and seconded by Larry Rowe that: **THE BOARD ACCEPTS THE CITY'S FINDINGS OF FACT AND GRANTS THE APPLICANT UNTIL MARCH 23 TO SUBMIT CERTIFIED DOCUMENTS FROM AN ENGINEER STATING THE CONDITION OF THE BUILDING. IF THIS IS NOT DONE, THE DEMOLITION ORDER SHALL BE REINSTATED.** Motion passed.

**CASE NUMBER 1316**      2102 Ponce de Leon  
Lot 9  
Block 5  
Bethesda Park  
Erin Gaieski  
Joann Gaieski

As there was still no applicant present, Michael Davila made the Motion, seconded by Larry Rowe, that: **THIS CASE SHALL BE CONTINUED AT THE NEXT REGULARLY SCHEDULED MEETING.** Motion passed.

As there was no further business to come before the Board at this time, the meeting was adjourned at 5:19 p.m.

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Timothy F. Hullihan  
Vice/Acting Chairman