



**Construction Services Department**

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*"The Capital City of the Palm Beaches"*

**CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS**

**MINUTES**

**April 19, 2007**

This regular meeting of the City of West Palm Beach Construction Board of Adjustment and Appeals was called to order at 2:04 p.m. in the City Hall Commission Chambers, 200 2<sup>nd</sup> Street, West Palm Beach, Florida.

**PRESENT:** Daniel Canavan, Chairman  
Everett Fennell (left at 3 p.m.)  
Timothy Hullihan  
Thomas McCarthy  
Keith Spina  
Nicholas Igwe, Assistant City Attorney/Board Counsel  
Pamela Yusko, Recording Secretary

**ABSENT:** Michael Davila  
Larry Rowe

**APPROVAL OF MINUTES:** Motion was made by Everett Fennell and seconded by Keith Spina to approve the Minutes of the regular meeting of March 15, 2007. Motion carried. Motion was made by Keith Spina and seconded by Everett Fennell to approve the Minutes of the emergency meeting of March 29, 2007. Motion carried.

**CASE NUMBER 1227** 800 N. Sapodilla  
Lot 7  
Block 1  
Amended Plat of Freshwater Add.  
Boone Darden

Anthony Provo, contractor, was present and informed the Board that owner Boone Darden was enroute to the hearing. The Board decided to move this case to the end of the agenda.

*"An Equal Opportunity Employer"*

**CASE NUMBER 1321**      814 10<sup>th</sup> Street  
Lot 4  
Block 13  
Freshwater Addition to WPB Amended  
Lauriston Simms

Lauriston Simms presented this case to the Board. Representing the City was Neil Melick, Building Official, who admitted the City's Findings of Fact and Staff Report, as well as videotape, into evidence.

Motion was made by Keith Spina and seconded by Thomas McCarthy that: **THE BOARD AGREES WITH AND ACCEPTS THE CITY'S FINDINGS OF FACT AS PRESENTED. ONE WEEK IS GRANTED TO BOARD AND SECURE THE STRUCTURE AS PER THE CITY'S REQUIREMENTS AND SAID BOARD AND SECURE IS TO BE MAINTAINED. APPLICANT SHALL HIRE A PROFESSIONAL ENGINEER OR ARCHITECT TO EVALUATE THE PROPERTY AND PREPARE A CERTIFIED REPORT STATING A REMEDY TO REPAIR THE STRUCTURE TO COMPLY WITH ALL CURRENT CODES. THIS REPORT SHALL BE GIVEN TO THIS BOARD AT THE NEXT REGULARLY SCHEDULED MEETING ON MAY 17, 2007.** Motion passed.

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

Carrie Odum and Lorenzo Odum presented this case to the Board. Representing the City was Neil Melick, Building Official, who admitted the City's Findings of Fact and videotape into evidence.

Motion was made by Everett Fennell and seconded by Thomas McCarthy that: **THE BOARD AGREES WITH AND ACCEPTS THE CITY'S FINDINGS OF FACT AS PRESENTED. AS THE APPLICANT IS IN AGREEMENT WITH THE NEED TO DEMOLISH THIS PROPERTY, THE DEMOLITION ORDER IS TO BE REINSTATED.** Motion passed.

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

Presenting this case to the Board were Joann Gaieski and Erin Gaieski. Speaking on behalf of the City was Neil Melick, Building Official, who admitted into evidence the City's Findings of Fact, Staff Report and videotape.

Motion was made by Timothy Hulihan and seconded by Thomas McCarthy that: **THE BOARD AGREES WITH AND ACCEPTS THE CITY'S FINDINGS OF FACT AS PRESENTED. APPLICANT IS TO APPEAR AT THE MEETING OF JUNE 21, 2007, REPRESENTED BY A PROFESSIONAL ENGINEER OR ARCHITECT WHO HAS VISITED AND ASSESSED THE PROPERTY AND CERTIFIED A REPORT OF THE LEVEL OF DETERIORATION AND THE EXTENT TO WHICH IT NEEDS TO BE REPAIRED, INCLUDING A COST ESTIMATE, TO COMPLY WITH THE STATE OF FLORIDA BUILDING CODE.** Motion passed.

**CASE NUMBER 1323**      525 Okeechobee Blvd.  
Section 21  
Township 43  
Range 43  
City Place Office Tower, LLC  
STH Architectural Group, Inc.

*The applicant is requesting a variance to the technical codes. The request for variance is specific to combustibile architectural trim on the exterior side of exterior walls being located no greater than 40 feet above grade plane as required by Section 1406.2.2 of the Florida Building Code, Building, 2004 Edition. The applicant is proposing to install EIFS bands at elevations greater than 40 feet above grade plane, including a 16 inch wide EIFS band at fifth floor level.*

Paul Twitty presented this case to the Board. Representing the City were Neil Melick, Building Official, and Robert Brown, License and Permit Services Manager. The City's Findings of Fact and Staff Report were admitted into evidence.

Motion was made by Keith Spina and seconded by Thomas McCarthy that: **THE BOARD AGREES WITH AND ACCEPTS THE CITY'S FINDINGS OF FACT AS PRESENTED. THIS VARIANCE REQUEST IS APPROVED, BASED ON THE CONDITION THAT THE APPLICANT SUBMITS INFORMATION THAT SATISFIES THE FLORIDA BUILDING CODE 2004 EDITION, SPECIFICALLY RELATING TO NON-COMBUSTIBLE MATERIAL AND COMPLIANCE WITH ASTM E 84.** Motion passed.

**CASE NUMBER 1324**      717 South Olive Avenue  
Kolter Properties  
Hector Gomez

*The applicant is requesting a variance to the technical codes. The request is specifically to include, as refinements to the design, additional architectural shapes to those considered under the case which came before the board on June 16, 2005, as CBAA Case Number 1278. The request for variance, under that case, was specific to the requirement to use noncombustible materials for architectural trim on buildings of Type I construction as required by Section 1404.1, Section 2603.6 and Section F102.2.7 of the Florida Building Code, 2001 Edition.*

Barry Kraft, Hector Gomez and Randy Sherwith presented this case to the Board. Speaking on behalf of the City were Neil Melick, Building Official, and Robert Brown, License and Permit Services Manager. The City's Findings of Fact and Staff Report were admitted into evidence.

Motion was made by Keith Spina and seconded by Thomas McCarthy that: **THE BOARD AGREES WITH AND ACCEPTS THE CITY'S FINDINGS OF FACT AS PRESENTED. THIS VARIANCE IS APPROVED, WITH CONDITIONS THAT THE APPLICANT SUBMIT TO THE CITY, FOR APPROVAL, TEST REPORTS AND RATIONAL ANALYSIS, UNDER COVER OF A LETTER FROM THE DESIGNER OF RECORD, TO DEMONSTRATE THAT THE PRODUCT MEETS THE WIND LOAD PROVISIONS OF THE FLORIDA BUILDING CODE.** Motion passed.

**CASE NUMBER 1227**      800 N. Sapodilla  
Lot 7  
Block 1  
Amended Plat of Freshwater Add.  
Boone Darden

Anthony Provo, contractor, presented this case to the Board, as the applicant still has not arrived. Neil Melick, Building Official, represented the City.

New plans are currently in plan review. As previous Orders have required that any comments on submitted plans are to be responded to within 15 days of notification, Mr. Provo will adhere to that stipulation. As the original Order still stands, this property will continue to be monitored. No Motion is necessary.

Since there was no further business to come before the Board at this time, this meeting was adjourned at 3:45 p.m.

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Daniel T. Canavan  
Chairman