



**Construction Services Department**

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*"The Capital City of the Palm Beaches"*

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

**MINUTES**

**April 20, 2006**

This regular meeting of the City of West Palm Beach Construction Board of Adjustment and Appeals, also sitting as the Local Construction Regulation Board, 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:** Daniel Canavan, Chairman  
Everett Fennell  
Timothy Hullihan  
Thomas McCarthy  
Larry Rowe  
Keith Spina  
Nicholas Igwe, Assistant City Attorney/Board Counsel  
Pamela Yusko, Recording Secretary  
Neil K. Melick, Building Official

**ABSENT:** Michael Davila

**APPROVAL OF MINUTES:** Motion was made by Thomas McCarthy and seconded by Everett Fennell to approve the Minutes of the March 16, 2006 meeting. Motion carried.

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

*"An Equal Opportunity Employer"*

***REQUEST:** 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 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.*

Neil Melick, Building Official, reported that a Certificate of Occupancy has recently been issued at this location, so the case no longer needs to be heard and may be dismissed.

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

Raymond McKeen, Luis Latorre and Greg Kino were present to address the Board regarding this case. Representing the City was Neil Melick, Building Official.

***REQUEST:** 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.*

Motion was made by Thomas McCarthy and seconded by Larry Rowe that: **THE TEMPORARY CERTIFICATE OF OCCUPANCY IS TO BE EXTENDED UNTIL AUGUST 9, 2006, WITH THE UNDERSTANDING THAT THE REQUIRED \$500 PER MONTH FOR EVERY THIRTY (30) DAYS OR PART THEREOF FOR THE EXTENSION IS TO BE ENFORCED DURING THIS PERIOD.** Motion carried.

**CASE NUMBER 1296**

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

Presenting this case to the Board were Larry Cohen, Vanessa Jimenez, Gustavo Martinez and Robert Vale. Neil Melick, Building Official, and Robert Brown, Assistant Building Official, represented the City.

*REQUEST: 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.*

After much discussion between both parties and Board counsel, a Motion was made by Timothy Hullihan and seconded by Larry Rowe that: **THE CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS DOES NOT HAVE JURISDICTION TO HEAR THIS CASE AS PRESENTED BY THE APPLICANT.** Motion carried.

As there was no further business to come before the Construction Board of Adjustment and Appeals at this time, the meeting was adjourned at 3:53 p.m.

The Local Construction Regulation Board was called to order at 3:54 p.m.

**PRESENT:** Daniel Canavan, Chairman  
Everett Fennell  
Timothy Hulihan  
Larry Rowe  
Keith Spina  
Nicholas Igwe, Assistant City Attorney/Board Counsel  
Pamela Yusko, Recording Secretary  
Neil K. Melick, Building Official

**ABSENT:** Michael Davila  
Thomas McCarthy

**CASE NUMBER 3** Robert Lee Merickle  
Blue Haven of West Palm Beach, Inc.

In attendance to request a continuance was Jerry Perkins with Blue Haven Pools. Neil Melick, Building Official, represented the City, and stated that the City will allow a continuance, at the written request of the counsel for Blue Haven.

Motion was made by Timothy Hulihan and seconded by Larry Rowe that: **THIS CASE IS TO BE CONTINUED AT THE NEXT REGULARLY SCHEDULED MEETING.** Motion carried.

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

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Daniel T. Canavan  
Chairman