



"The Capital City of the Palm Beaches"

Construction Services Department

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CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS

MINUTES

June 21, 2007

This regular meeting of the City of West Palm Beach Construction Board of Adjustment and Appeals was called to order at 2:33 p.m. in the City Hall Commission Chambers, 200 2nd Street, West Palm Beach, Florida.

PRESENT: Timothy Hulihan, Acting Chairman
Thomas McCarthy
Larry Rowe
Keith Spina
Kimberly Rothenburg, Assistant City Attorney/Board Counsel
Pamela Yusko, Recording Secretary

ABSENT: Daniel Canavan
Michael Davila
Everett Fennell

APPROVAL OF MINUTES: Motion was made by Thomas McCarthy and seconded by Keith Spina to approve the Minutes of the May 17, 2007 meeting. Motion carried.

CASE NUMBER 1327 5107 N. Flagler Drive
Lots 4 & 5
Block 40
North Palm Beach PL 1
24th Street Holding LLC

Presenting this case to the Board were Roger Narinedat, Robert Cook and Glen Miller. Speaking on behalf of the City were Neil Melick, Building Official and Tom Moore, Building/Demolition Inspector. The City's staff report and videotape were admitted into evidence.

"An Equal Opportunity Employer"

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. APPLICANT IS TO RETAIN A STRUCTURAL ENGINEER OR ARCHITECT AND HAVE PLANS COMPLETED WITHIN 30 DAYS TO SHOW THAT THE NEW WORK WILL COMPLY WITH THE BUILDING CODE. ANY PLAN REVIEW COMMENTS FROM THE BUILDING DEPARTMENT NEED TO BE ADDRESSED WITHIN 15 DAYS OF NOTIFICATION OF SUCH. UPON COMPLETION OF THE PLANS, APPLICANT SHALL APPLY FOR A PERMIT WITH THE CITY AND WITHIN 2 WEEKS OF THE RECEIPT OF THE PERMIT SHALL PROCEED WITH CONSTRUCTION, WHICH IS TO BE COMPLETED WITHIN 4 MONTHS. TO ADDRESS THE FOUNDATION AS REQUIRED BY THE BUILDING DEPARTMENT, THE APPLICANT SHALL HAVE A STRUCTURAL ENGINEER PREPARE A TEMPORARY FOUNDATION REPAIR PERMIT.** Motion passed.

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

Erin Gaieski and Joann Gaieski were both in attendance to present this case to the Board. Representing the City were Neil Melick, Building Official and Tom Moore, Building/Demolition Inspector.

Motion was made by Keith Spina and seconded by Thomas McCarthy that: **AN EXTENSION IS GRANTED UNTIL THE NEXT REGULARLY SCHEDULED MEETING. APPLICANT IS TO APPEAR AT THAT TIME WITH EITHER A STRUCTURAL ENGINEER OR ARCHITECT WHO HAS VISITED THE SITE AND WHO HAS A PLAN ON HOW TO REPAIR THE STRUCTURE.** Motion passed.

CASE NUMBER 1325 1513 aka 1511 N. Tamarind
Lots 1 & 2
Block 37
Freshwater – 13th Avenue Amended
Susie Davis
Arthur Patterson

Presenting this case to the Board were Jim Knight and Susie Davis. Representing the City were Neil Melick, Building Official and Tom Moore, Building/Demolition Inspector.

Motion was made by Thomas McCarthy and seconded by Larry Rowe that: **THIS PROPERTY IS TO BE DEMOLISHED BY THE CITY.** Motion passed.

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

Freddy McCloud was in attendance to present this case to the Board. Speaking on behalf of the City was Neil Melick, Building Official.

Motion was made by Larry Rowe and seconded by Thomas McCarthy that: **APPLICANT IS TO PROCEED WITH CONSTRUCTION UP TO 50% OF THE VALUE AND CONTINUE IN A LIKE MANNER EVERY 12 MONTHS UNTIL THE PROJECT IS COMPLETED. THE FIRST 50% IS TO BE DIRECTED TOWARDS MAKING THE BUILDING SAFE AND SECURE.** Motion passed.

CASE NUMBER 1328 410 Evernia Street
Lots 1-4
Block 19
Map of the Town of WPB
Evernia Properties
Martin Djmal/Guillermo Encinosa

The applicant is requesting an appeal of the decision of the Building Official pursuant to Section 1016.3.9 of the Florida Building Code, Building, 2001 Edition as amended. The appeal is specific to vertical clearance, above the walking surface, to exit signs along means of egress.

Presenting this case to the Board was Guillermo Encinosa. Representing the City were Neil Melick, Building Official and Robert Brown, License/Permit Services Manager.

Motion was made by Larry Rowe and seconded by Thomas McCarthy that: **THE BOARD AGREES WITH AND ACCEPTS THE CITY'S FINDINGS OF FACT AS**

“An Equal Opportunity Employer”

PRESENTED. THE REQUESTED VARIANCE IS GRANTED BECAUSE, UNDER THE NEW CODE, IT WILL BE ALLOWED. Motion passed.

CASE NUMBER 1329 525 Okeechobee Blvd.
(electrical room) Section 21
 Township 43
 Range 43
 City Place Office Tower, LLC
 AHA Consulting Engineers, Inc.

The applicant is requesting an appeal of the decision of the Building Official pursuant to Section 2701.1 of the Florida Building Code, Building, 2004 Edition as amended, and Article 240.24(B) of the NFPA, National Electrical Code, 2002. The appeal is specific to occupants having ready access to the overcurrent devices protecting the conductors supplying their occupancy.

Dan Petrocci and Bruce Swanson presented this case to the Board. Representing the City were Neil Melick, Building Official and Robert Brown, License/Permit Services Manager.

Motion was made by Larry Rowe and seconded by Keith Spina that: **THE BOARD AGREES WITH AND ACCEPTS THE CITY'S FINDINGS OF FACT, BUT INTERPRETS THE FACTS DIFFERENTLY THAN THE CITY. THIS REQUEST FOR APPEAL OF THE BUILDING OFFICIAL'S DECISION IS GRANTED, ON THE CONDITION THAT THE APPLICANT WILL PROVIDE CONTINUOUS MANAGEMENT SUPERVISION OF THE PROPERTY.** Motion passed.

Mr. Melick advised the Board that he will appeal the Board's decision to the State, as this is a life safety issue.

CASE NUMBER 1331 525 Okeechobee Blvd.
(floor drain) Section 21
 Township 43
 Range 43
 City Place Office Tower, LLC
 AHA Consulting Engineers, Inc.

The applicant is requesting a variance to the technical codes. The request for variance is specific to maintaining a seal in a floor drain installed in a central mechanical room plenum, which is subject to the requirements of Section 13-410.1.ABC.3.7 of Florida Building Code, Building, 2004 Edition; Section 901.2 of Florida Building Code, Plumbing, 2004 Edition; Section 403.4 of Florida Building Code, Mechanical, 2004 Edition, and Section 8.4.1.11 of ASHRAE 62, Ventilation for Acceptable Indoor Air Quality, 2001 Edition. The applicant is proposing to use deep sealed traps and mechanical trap primers.

Dan Petrocci and Marty Caleron presented this case to the Board. Representing the City were Neil Melick, Building Official and Robert Brown, License/Permit Services Manager.

Motion was made by Keith Spina and seconded by Larry Rowe that: **THIS VARIANCE IS GRANTED BASED ON THE EXPERT INFORMATION PROVIDED BY THE MECHANICAL ENGINEER AND THE CITY'S AGREEMENT THAT THE TRAP MEETS THE REQUIREMENTS OF BOTH THE ENERGY AND PLUMBING CODE SECTIONS CITED.** Motion passed.

As there was no further business to come before the Board at this time, the meeting was adjourned at 5:20 p.m.

Timothy F. Hulihan
Acting Chairman