



**Construction Services Department**

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*"The Capital City of the Palm Beaches"*

**CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS**

**MINUTES**

**August 16, 2007**

This regular meeting of the City of West Palm Beach Construction Board of Adjustment and Appeals was called to order at 2:03 p.m. in the City Hall Commission Chambers, 200 2<sup>nd</sup> Street, West Palm Beach, Florida.

**PRESENT:** Daniel Canavan, Chairman  
Michael Davila  
Everett Fennell  
Larry Rowe  
Keith Spina  
Neil Melick, Building Official  
Kimberly Rothenburg, Assistant City Attorney/Board Counsel  
Pamela Yusko, Recording Secretary

**ABSENT:** Timothy Hulihan  
Thomas McCarthy

**APPROVAL OF MINUTES:** Motion was made by Keith Spina and seconded by Everett Fennell to approve the Minutes of the June 21, 2007 meeting. Motion carried.

**CASE NUMBER 1333**                      5312 Broadway  
Lot 0130  
Block 54  
North Palm Beach PL 3  
District Advisory Board of South Florida  
Perry & Taylor, P.A.

Presenting this case to the Board was Marty Perry. Neil Melick, Building Official and Tom Moore, Building/Demolition Inspector, represented the City. The City's staff report and videotape were admitted as evidence.

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Motion was made by Larry Rowe and seconded by Everett Fennell that: **THE BOARD AGREES WITH AND ACCEPTS THE CITY'S FINDINGS OF FACT AS PRESENTED. APPLICANT MUST RESUBMIT PLANS BY SEPTEMBER 20, 2007, AND HAS 30 DAYS TO REPLY TO ANY COMMENTS IN REFERENCE TO THOSE PLANS. AFTER ISSUANCE OF PERMIT, 30 DAYS IS GRANTED TO COMMENCE WORK AND PROGRESS MUST CONTINUE THROUGH COMPLETION TO THE SATISFACTION OF THE BUILDING DEPARTMENT. IF ANY OF THESE CONDITIONS ARE NOT MET, THE DEMOLITION ORDER IS TO BE REINSTATED.** Motion carried.

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

Speaking on behalf of this property were Joann Gaieski, Erin Gaieski, and Gordon Buck, Structural Engineer. Representing the City were Neil Melick, Building Official and Tom Moore, Building/Demolition Inspector.

Motion was made by Larry Rowe and seconded by Keith Spina that: **THE BOARD AGREES WITH AND ACCEPTS THE CITY'S FINDINGS OF FACT AS PRESENTED. DRAWINGS ARE TO BE SUBMITTED BY SEPTEMBER 20, 2007 AND ANY COMMENTS ABOUT SAID DRAWINGS ARE TO BE ADDRESSED WITHIN 15 DAYS OF NOTIFICATION OF SUCH. THE ENGINEER OR ARCHITECT SHALL VERIFY WHAT LEVEL OF ALTERATION IS REQUIRED AS OUTLINED IN THE CURRENT CODE. AFTER ISSUANCE OF PERMIT, WORK IS TO PROGRESS STEADILY TO THE SATISFACTION OF THE CITY. IF ANY OF THESE CONDITIONS ARE NOT MET, THE DEMOLITION ORDER SHALL BE REINSTATED.** Motion carried.

**CASE NUMBER 1332**            513 Sapodilla Avenue  
   Lots 1 & 2  
   Block 18  
   Clows Add.  
   Daniel Pikula  
   Bert Calero

Daniel Pikula presented this case to the Board. Speaking on behalf of the City was Neil Melick, Building Official. The City's staff report and videotape were entered as evidence.

Motion was made by Everett Fennell and seconded by Keith Spina that: **THE BOARD AGREES WITH AND ACCEPTS THE CITY'S FINDINGS OF FACT AS PRESENTED. TWO WEEKS IS GRANTED TO APPLY FOR AN INTERIOR DEMOLITION PERMIT FROM THE CITY. AFTER PERMIT ISSUANCE, 30 DAYS IS GRANTED TO**

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**COMPLETE INITIAL INTERIOR DEMOLITION. AFTER DEMOLITION IS COMPLETED, TWO WEEKS IS GRANTED TO SUBMIT STRUCTURAL DRAWINGS FOR TEMPORARY BRACING OF THE WALLS TO MEET CURRENT WINDLOAD CODE REQUIREMENTS. ANY COMMENTS FROM THE CITY REGARDING THE DRAWINGS ARE TO BE REPLIED TO WITHIN 15 DAYS AFTER NOTIFICATION OF SUCH. WORK IS TO PROCEED EXPEDITIOUSLY IN A MANNER AGREEABLE TO THE CITY. AFTER APPROVALS FROM OTHER AGENCIES (OCTOBER 23, 2007), 60 DAYS IS GRANTED TO SUBMIT RENOVATION PLANS TO THE CITY. ANY COMMENTS ARE TO BE REPLIED TO WITHIN 30 DAYS, AND CONTINUE UNTIL ISSUANCE OF A PERMIT. AFTER THE BUILDING PERMIT IS ISSUED, CONSTRUCTION IS TO BEGIN WITHIN 30 DAYS AND PROCEED AT A PACE AGREEABLE TO THE CITY. IF ANY OF THESE CONDITIONS ARE NOT MET, THE DEMOLITION ORDER SHALL BE REINSTATED.** Motion carried.

**CASE NUMBER 1307**

1515 S. Flagler Drive  
Lot 12/Plan #2  
Arkona Court  
Tower 1515 Condominium Apartments Association, Inc.  
David A. Core, Esq.

*At the meeting of September 21, 2006, the Board issued the following Order: **APPLICANT IS TO SUBMIT AN APPLICATION FOR A REPAIR PERMIT WITHIN TWO (2) WEEKS. UPON RECEIPT OF PERMIT FROM THE CITY, TEN (10) WEEKS IS GRANTED IN WHICH TO SECURE THE BUILDING. WITHIN THE WEEK FOLLOWING THIS MEETING, THE APPLICANT IS TO APPLY FOR A SEPARATE INTERIOR DEMOLITION PERMIT AND MAST CLIMBER PERMIT. ALL NON-ATTACHED CONSTRUCTION AND EQUIPMENT IN THE BUILDING IS TO BE REMOVED WITHIN TWO (2) WEEKS OF INSTALLATION OF MAST CLIMBER. APPLICANT IS TO CONTACT THE CITY FIRE DEPARTMENT FOR THEIR DIRECTION AND REQUIREMENTS.***

Neil Melick, Building Official, is requesting the Board's reconsideration of this Order. An agreement has been reached with the owner to secure the building. It is currently secured, and, structurally, will withstand windloads. The applicant removed the pending appeal to the Circuit Court if the Board would remove the Order. City staff is in agreement with the applicant's request.

Motion was made by Michael Davila and seconded by Everett Fennell that: **THE BOARD ORDER OF SEPTEMBER 21, 2006 SHALL BE REMOVED.** Motion carried.

**CASE NUMBER 1334**

401 Clematis  
Lots 1 & 2  
Block 0010  
PB1 P1, 38, PB2 P10  
WPB CRA  
Catalfumo Development Corp.

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*The applicant is requesting a waiver from the Florida Building Code, 2004 Edition with 2006 revisions, related to 1-hour fire rated corridors, to use a water curtain washing both sides of glazed openings in the wall required to be ¾ hour fire rated in lieu of rated glass. The affected code sections are 1016.1, 708.1.4, 708.6, 715.4, 104.11, 404.5 and Tables 1601.1 and 106.1.*

David Chase, Architect of Record for Song & Associates, presented this case to the Board. A power point presentation was given. Representing the City was Neil Melick, Building Official.

Board Member Keith Spina left the meeting at this time.

Motion was made by Mike Davila and seconded by Everett Fennell that: **THE BOARD AGREES WITH AND ADOPTS THE CITY'S FINDINGS OF FACT AS PRESENTED. THIS VARIANCE IS GRANTED, HOWEVER RESUBMITTAL TO THE CITY IS SUBJECT TO THE APPROVAL AND SATISFACTION OF THE FIRE DEPARTMENT.** Motion carried.

As there was no further business to come before the Board at this time, this meeting was adjourned at 3:29 p.m.

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Daniel T. Canavan  
Chairman