



"The Capital City of the Palm Beaches"

Construction Services Department

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CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS

MINUTES

October 16, 2008

This regular meeting of the City of West Palm Beach Construction Board of Adjustment and Appeals was called to order at 2:12 p.m. in the City Hall Commission Chambers, 200 2nd Street, West Palm Beach, Florida.

PRESENT: Daniel Canavan, Chairman
Timothy Hullihan
Thomas McCarthy
Larry Rowe
Kimberly Rothenburg, Assistant City Attorney/Board Counsel
Pamela Yusko, Recording Secretary

ABSENT: Michael Davila
Everett Fennell
Keith Spina

APPROVAL OF MINUTES: Motion was made by Thomas McCarthy and seconded by Timothy Hullihan to approve the Minutes of the September 18, 2008 meeting. Motion carried.

CASE NUMBER 1340 376 Forest Hill Blvd.
Lot 10
Block A
Broadmore Sec. 4
Marli Souza

There was no applicant present to speak before the Board. Tom Moore, Building/Demolition Inspector, submitted a letter from the owner, authorizing the City to proceed with demolition.

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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. THIS APPLICATION FOR APPEAL OF THE CITY'S DEMOLITION ORDER IS DENIED.** Motion carried.

CASE NUMBER 1337 500 Division
Lot 6
Block 18
Clows Add.
Alice E. Moore
Michael Brown

Since the attorney representing this case was not in attendance yet, a Motion was made by Timothy Hulihan and seconded by Thomas McCarthy to hear this case at the end of the agenda. Motion carried.

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

The applicant was not in attendance to speak before the Board. Tom Moore, Building/Demolition Inspector, represented the City.

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 PRESENTED. TESTIMONY WAS HEARD FROM THE CITY THAT CONDITIONS IMPOSED WITH THE LAST ORDER HAVE NOT BEEN MET. AS THERE WAS NO APPLICANT PRESENT TO SPEAK ON BEHALF OF THIS CASE, THE DEMOLITION ORDER SHALL BE REINSTATED.** Motion carried.

CASE NUMBER 1359 829 N. Dixie
Lot 1
Block 4
Brelsford Park
Abe Haruvi

Abe Haruvi presented this case to the Board. Representing the City was Tom Moore, Building/Demolition Inspector. A videotape of the property was shown.

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 PRESENTED. THE UNSAFE PORTION OF THE PROPERTY (CANOPY AND ORIGINAL OFFICE) IS TO BE DEMOLISHED WITHIN 30 DAYS. THE APPLICANT HAS UNTIL THE MEETING OF DECEMBER 18, 2008 TO SUBMIT PLANS TO THE BUILDING DEPARTMENT. AFTER THE PLANS ARE REVIEWED, ANY COMMENTS FROM THE BUILDING DEPARTMENT ARE TO BE ADDRESSED AND PLANS RE-SUBMITTED WITHIN 15 DAYS. CONSTRUCTION IS TO BEGIN WITHIN 30 DAYS AFTER PERMIT ISSUANCE AND CONTINUE WITH DUE DILIGENCE, TO THE SATISFACTION OF THE CITY, UNTIL COMPLETION. IF ANY OF THESE CONDITIONS ARE NOT MET, THE DEMOLITION ORDER SHALL BE REINSTATED.** Motion carried.

CASE NUMBER 1360 301 Lambertton Drive (Courtney Lakes)
DR Palm Beach, Inc.
Perry & Taylor, P.A.

Applicant is requesting an additional extension of the Temporary Certificate of Occupancy 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.

Susan Taylor was in attendance to present this case to the Board. Robert Brown, Interim Building Official, represented the City.

Motion was made by Thomas McCarthy and seconded by Timothy Hullivan that: **THE BOARD AGREES WITH AND ACCEPTS THE CITY'S FINDINGS OF FACT AS PRESENTED. THIS REQUEST FOR AN ADDITIONAL EXTENSION TO THE CURRENT PARTIAL/CONDITIONAL CERTIFICATE OF OCCUPANCY IS GRANTED.** Motion carried.

CASE NUMBER 1337 500 Division
Lot 6
Block 18
Clows Add.
Alice E. Moore
Michael Brown

Michael Brown presented this case to the Board. Speaking on behalf of the City was Tom Moore, Building/Demolition Inspector.

Motion was made by Thomas McCarthy and seconded by Timothy Hullivan that: **THIS PROPERTY IS TO BE KEPT SAFE AND SECURE AND 30 DAYS IS GRANTED TO COMPLY WITH THE ORDER FROM THE MEETING OF AUGUST 21, 2008.** *(August 21, 2008 Order: THE BOARD AGREES WITH AND ADOPTS THE CITY'S FINDINGS OF FACT AS PRESENTED. APPLICANT IS TO OBTAIN AN ENGINEER'S SIGNED AND SEALED SHORING ANALYSIS OF THE STRUCTURE AND SUBMIT PLANS FOR PERMIT WITHIN SIXTY (60) DAYS. ANY COMMENTS FROM THE BUILDING DEPARTMENT ARE TO BE ADDRESSED AND RESUBMITTED WITHIN FIFTEEN (15) DAYS. APPLICANT SHALL APPEAR BEFORE THE BOARD AT THE END OF THAT SIXTY (60) DAY PERIOD WITH AN UPDATE AND IMPROVEMENT PLAN FOR THE PROPERTY).* Motion carried.

CASE NUMBER 1361 701 South Olive Avenue
Kolter Communities
Barry Craft

Applicant is requesting an additional extension of the Temporary Certificate of Occupancy 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.

Presenting this case to the Board was Bob Lemoine. Robert Brown, Interim Building Official, represented the City.

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 PRESENTED. THIS REQUEST FOR A 60 DAY EXTENSION TO THE TEMPORARY CERTIFICATE OF OCCUPANCY IS GRANTED.** Motion carried.

As there was no further business to come before the Board at this time, this meeting was adjourned at 2:55 p.m.

Daniel T. Canavan
Chairman