TOWN OF PALM BEACH

Building and Zoning Department

MINUTES

BUILDING BOARD OF ADJUSTMENTS AND APPEALS
2:00 p.m., TUESDAY, OCTOBER 23, 1990
AT THE TOWN HALL, PLANNING, ZONING & BUILDING DEPARTMENT
CONFERENCE ROOM, 360 SOUTH COUNTY ROAD, PALM BEACH

I. Call to Order: The meeting was called to order by Acting Chairman, Ames Bennett at 2:13 p.m.

II. Roll Call:

PRESENT: Ames Bennett, Acting Chairman
Jeffrey W. Smith, Member
John Nora, Member
John C. Cassidy, Member
(Let the record show that Mr. Cassidy was present only for the discussion of Item #3, as per the agenda.)

ABSENT: E. Ben Walton, Jr., Chairman

STAFF PRESENT:
John C. Randolph, Town Attorney
Robert L. Moore, Director of Planning, Zoning & Building
Harry P. Ackerman, Chief Building Inspector
Craig Olson, Fire Marshal's Office
Cynthia M. Delp, Recording Secretary

OTHERS PRESENT:
For Item #1
Eugene Lawrence, The Lawrence Group
Donna Beinstein, The Lawrence Group
Robert Sanders, The Goodman Company

For Item #2
Bill Brewster, Frances Brewster, Inc.
Russell Glace, Glace & Company

For Item #3
Noe Guerra, Schwab, Twitty & Hanser

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III. Approval of the Minutes of the August 15, 1990 Meeting:

MOTION BY MR. SMITH TO APPROVE THE MINUTES AS MAILED.

MOTION SECONDED BY MR. NORA.

MOTION CARRIED UNANIMOUSLY.

IV. Items for Discussion

Item 1:	Requested by:	Lawrence Group Architects
	Regarding:	150 Worth Avenue-Capetta Restaurant
	Subject:	Appeal of Standard Building Code, Section 1103.1.2 (Exits required to be remote from each other.)

Mr. Lawrence explained that this new restaurant is in the space formerly occupied by L'Express. The seating capacity during the occupancy of L'Express was 46 seats. The new tenants have requested additional seating, and the Town Council has approved same for a seating capacity of 70 seats. It was noted that when "50 plus" seats are involved, certain applicable sections of the Building Code come into effect. As the appellant is requesting relief from the provisions of the Building Code, the Town Council has conditioned their approval on this subsequent Building Board of Adjustments review.

Although the Code would require that two separate exits be installed remote from each other, Mr. Lawrence maintained that their proposal of one double door exit combined with a fire alarm system for the entire space, and the fact that the building is fully sprinkled, represents not only a workable, but an adequate alternative to the Code requirements. Mr. Lawrence pointed out that there has never been a death in a fully sprinkled building. Further, the existing space functioned as a restaurant in the past, and this project maintains that usage.

Mr. Olson, representing the Fire Marshal's Office, stated that they would approve the one double door exit providing that a fire alarm system be installed throughout the space.

Although Mr. Smith commented that creating the second door helps to meet the intent of the Code, upon hearing the Fire Department's approval,

MOTION BY MR. SMITH TO APPROVE THE PROJECT WITH ONE DOUBLE DOOR EXIT AND A FIRE ALARM SYSTEM INSTALLATION THROUGHOUT THE SPACE.

MOTION SECONDED BY MR. NORA.

MOTION CARRIED UNANIMOUSLY.

<u>Item 2</u>: Requested by: Frances Brewster
Regarding: 301 Worth Avenue
Subject: Appeal of Standard Building Code, Section 2001.2 (Minimum 7'0" ceiling height in a kitchen.)

After discussion, it was determined that this item was inappropriately before the Board, as the conditions were pre-existing, and no change in type of occupancy was contemplated. Therefore, a previous use as a kitchen for Bonwit Teller will be continued by Frances Brewster, the new tenant, unless the extent of structural renovation exceeds 50% of the building valuation.

Let the record show that the following motion was sponsored:

MOTION BY MR. SMITH THAT THIS ITEM WAS IMPROPERLY BEFORE THE BOARD FOR ACTION.

MOTION SECONDED BY MR. NORA.

Mr. Randolph interrupted stating that no motion is required as the Board did not feel this item was within their jurisdiction, and Staff advises them to remove this item from the agenda. Mr. Moore stated that Staff agrees with Mr. Randolph's advice.

The appellant will provide information to Mr. Ackerman regarding the latest assessed valuation of the "building only", as per the latest records of Rebecca Walker's office, to determine the percentage of renovation being performed.

<u>Item 3</u>: Requested by: Schwab, Twitty and Hanser
Regarding: 1350 North Lake Way, Sailfish Club
Subject: Appeal of Standard Building Code, Table 600, Reference Note "a", (Fire walls shall extend minimum 3'0" above the roof.)

In light of the existing square footage of the Sailfish Club, and the additional square footage proposed through the planned addition, alternative measures need to be taken with respect to the type of construction required. To accommodate this requirement, a new 4 hour fire wall will be constructed which actually creates two separate buildings. The Building Code requires, however, that the fire wall shall extend a minimum of 3'0" above the roof if the roof framing is of combustible materials. The Club is requesting relief from this requirement as they do not wish this 3'0" parapet to aesthetically destroy the rooflines of the structure. Mr. Guerra, present on behalf of Schwab, Twitty & Hanser Architects, maintained that because the attic and spaces below will be fully sprinkled, sufficient protective measures are being taken. Therefore, no hazard will be created by not extending the fire wall by the 3'0".

Mr. Olson stated that he would have no objection to the project as presented if the attic spaces were rated as required by Code, and the shingle system on the new roof was a Class B rated shingle system.

MOTION BY MR. SMITH TO APPROVE THE PROJECT AS PRESENTED WITH THE DELETION OF THE PARAPET PROVIDED THAT BOTH SIDES OF THE ATTIC BE SPRINKLED, THAT THE ROOF SYSTEM BE CLASS B, AND THAT THE FOUR HOUR FIRE WALL BE IN PLACE. HE AMENDED HIS MOTION FURTHER TO INCLUDE THAT ANY NEW ROOFING BE DONE IN A CLASS B SYSTEM.

MOTION SECONDED BY MR. NORA.

MOTION CARRIED UNANIMOUSLY.

V. Adjournment

MOTION BY MR. SMITH TO ADJOURN AT APPROXIMATELY 3:42 P.M.

MOTION SECONDED BY MR. NORA.

MOTION CARRIED UNANIMOUSLY.

Harry P. Ackerman/cmd	Cynthia M. Delp	
Ames Bennett, Acting Chairman	Harry P. Ackerman, Chief Bldg. Inspector	Cynthia M. Delp, Recording Secretary
10/26/90		

cmd