TOWN OF PALM BEACH

Planning, Zoning & Building Department

MINUTES

BUILDING BOARD OF ADJUSTMENTS AND APPEALS
2:00 P.M., APRIL 29, 1993
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 Chairman Ames Bennett at 2:00 p.m. In light of the fact that the BBAA does not have a Vice Chairman, Mr. Bennett asked for nominations for same.

MOTION BY MR. CASSIDY NOMINATING MR. NORA AS VICE CHAIRMAN.
MOTION SECONDED BY MR. SLOANE.
MOTION CARRIED UNANIMOUSLY.

Mr. Bennett declared his conflict with respect to today's hearing, as he represents the condominium involved in its attempt to arrive at a solution to this matter. (Voting Conflict form on file with these Minutes.) Mr. Bennett handed the gavel to Mr. Nora for purposes of this meeting.

II. Roll Call:
PRESENT: AMES BENNETT, CHAIRMAN
JOHN NORA JR., VICE CHAIRMAN
E. BEN WALTON JR., MEMBER
JOHN C. CASSIDY, MEMBER
JEFFERY W. SMITH, MEMBER (arrived @ 2:02 P.M.)
SCOTT SLOANE, MEMBER
JAMES WILLIAMS, ALTERNATE MEMBER

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

OTHERS PRESENT: Mr. Ed Hartel, 455 Worth Ave. Corp.

ABSENT: VANCE CARPENTER, MEMBER

III. Approval of the Minutes of the March 30, 1993 Meeting:

MOTION BY MR. WALTON TO APPROVE THE MINUTES AS MAILED.
MOTION SECONDED BY MR. SLOANE.
MOTION CARRIED UNANIMOUSLY.

IV. Items for Discussion

Item 1: Requested by: 455 Worth Avenue Corp.
Regarding: 455 Worth Avenue
Subject: Variance to Life Safety Code, Section 19-3.1 (Requiring the protection of vertical openings) and Section 19-3.3 (Requiring that interior finish on walls shall be Class A or B).

Fire Marshal Wandell led discussion on this matter stating that he had originally been called to the site in response to a resident's complaint regarding smoke or odors in the building. While at 455 Worth Avenue, a four story building, he noticed the subject open stair. He informed the condo that due to the open stair, as it exists, the building was not in compliance. This matter was brought to the Condo Board, but was not resolved. Fire Marshal Wandell, contacted the Condo Manager again regarding this matter. It was then brought up before the Condo Board, which felt that a project of this type would create too great a financial impact and too much construction inconvenience for the Condo Residents. Mr. Wandell had no recourse but to issue a violation notice relative to the open stair. For the aforementioned reasons, the Condo Board has chosen to appeal, and has sought a variance to the Life Safety Code from the BBAA today.

During the aforementioned discussion, Mr. Wandell explained the affected portions of the Life Safety Code as they apply in this particular instance. He also stated that although he could not testify whether this building was constructed to code when it was originally built, the Life Safety Code is a retroactive code, dealing with new and existing buildings. The Life Safety Code would require that the building, by some measure, be brought up to a reasonable level of safety. Mr. Bennett, presenting for the appellant, stated that enclosing the stair would be architecturally impossible, and Mr. Smith concurred with that opinion. The other option allowed by the Life Safety Code, to sprinkle the building, would require, in Mr. Bennett's opinion, a massive pipe system coming into the building, through the apartments and then to the subject open stair. A cost estimate for sprinkling the building is approximately $ 40,000, but no engineering or bids have been done as yet.

Mr. Bennett stated that there are only ten (10) units on each floor; each unit has a balcony for immediate outside access; and the fire station is only three blocks away from the site, so relief from the Life Safety Code, Section 19-3.1, is requested. Mr. Bennett also stated the Condo association had no objection to compliance regarding the interior finish requirement, Section 19-3.3, as listed above.

MOTION BY MR. SMITH TO DEFER THIS MATTER UNTIL FURTHER STUDY CAN BE ACCOMPLISHED REGARDING SPRINKLING THE BUILDING, AS HE FELT THAT $ 1,000/UNIT WAS NOT AN EXCESSIVE COST TO BRING THE BUILDING INTO COMPLIANCE; THERE IS NO ARCHITECTURAL MEANS OF ENCLOSING THE STAIR; MANY OF THE RESIDENTS AT THIS CONDO ARE ELDERLY; AND SPRINKLING THE BUILDING WOULD ALSO REDUCE INSURANCE COSTS TO THE CONDO ASSOCIATION.

MOTION SECONDED BY MR. SLOANE.

MOTION CARRIED UNANIMOUSLY.

It was noted that after the study has been done, if the cost per owner is too great or sprinkling the building is physically impossible, the BBAA will re-consider the matter.

V. Adjournment:

MOTION BY MR. SMITH TO ADJOURN THE MEETING AT 2:30 P.M.
MOTION SECONDED BY MR. CASSIDY.
MOTION CARRIED UNANIMOUSLY.

John Nora Jr.	Harry P. Ackerman	Cynthia M. Delp
Acting Chairman	Chief Building Inspector	Recording Secretary

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FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE
Bennett, Ames	Building Board of Adjustments & Appeals
MAILING ADDRESS: 230 Royal Palm Way	THE BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: ☐ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY Town
CITY: Palm Beach — COUNTY: Palm Beach	NAME OF POLITICAL SUBDIVISION: Town of Palm Beach
DATE ON WHICH VOTE OCCURRED: April 29, 1993	MY POSITION IS: ☐ ELECTIVE X APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes. The requirements of this law are mandatory; although the use of this particular form is not required by law, you are encouraged to use it in making the disclosure required by law.

Your responsibilities under the law when faced with a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

ELECTED OFFICERS:

A person holding elective county, municipal, or other local public office MUST ABSTAIN from voting on a measure which inures to his special private gain. Each local officer also is prohibited from knowingly voting on a measure which inures to the special gain of a principal (other than a government agency) by whom he is retained.

In either case, you should disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

APPOINTED OFFICERS:

A person holding appointive county, municipal, or other local public office MUST ABSTAIN from voting on a measure which inures to his special private gain. Each local officer also is prohibited from knowingly voting on a measure which inures to the special gain of a principal (other than a government agency) by whom he is retained.

A person holding an appointive local office otherwise may participate in a matter in which he has a conflict of interest, but must disclose the nature of the conflict before making any attempt to influence the decision by oral or written communication, whether made by the officer or at his direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You should complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes.
- A copy of the form should be provided immediately to the other members of the agency.
- The form should be read publicly at the meeting prior to consideration of the matter in which you have a conflict of interest.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION OR VOTE AT THE MEETING:

- You should disclose orally the nature of your conflict in the measure before participating.
- You should complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

DISCLOSURE OF STATE OFFICER'S INTEREST

I, AMES BENNETT, hereby disclose that on APRIL 29, , 1993:

(a) A measure came or will come before my agency which (check one)

____ inured to my special private gain; or

____ inured to the special gain of 455 NORTH AVENUE CORP, by whom I am retained.

(b) The measure before my agency and the nature of my interest in the measure is as follows:

A REQUEST FOR RELIEF OF NFPA 101 1991 Art. 19-3.1 and 19-3.3.

Re: Building Board of Adjustments and Appeals meeting April 29, 1993, 455 Worth Avenue Corp., 455 Worth Avenue, Palm Beach. Requesting relief from the provisions of the Life Safety Code Sections 19-3.1 and 19-3.3.

APRIL 29, 1993
Date Filed

Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317 (1985), A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED $5,000.