

TOWN OF PALM BEACH

Planning, Zoning & Building Department

MINUTES

BUILDING BOARD OF ADJUSTMENTS AND APPEALS

2:00 P.M., MARCH 30, 1993

AT THE TOWN HALL, PLANNING, ZONING & BUILDING DEPARTMENT
CONFERENCE ROOM, 360 SOUTH COUNTY ROAD, PALM BEACH

Let the record show that prior to the call of the meeting, Mr. Harry Ackerman gave an explanation of the new Building Board of Adjustments and Appeals code provisions for the benefit of the new Board members.

I. Call to order: The meeting was called to order by Chairman Ames Bennett at 2:10 p.m.

II. Roll Call:

PRESENT: Ames Bennett, Chairman
John Nora, Member
Jeffery W. Smith, Member
John C. Cassidy, Member (arrived at 2:20 p.m.)
Scott Sloane, Member
Vance Carpenter, Member
James B. Williams, Alternate Member

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

OTHERS PRESENT: Joel Martino, Property Owner
Robert L. Bell, Architect

ABSENT: E. Ben Walton Jr., Member

III. Approval of the Minutes of the January 9, 1992 Meeting:

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

IV. Items for Discussion

Item 1: Requested by: Mr. Robert L. Bell, Architect PA
Regarding: 901 North Ocean Boulevard
Subject: Variance to Town of Palm Beach Addendum to the Standard Building Code, Section 1302.8 (Requiring that all foundations for buildings to be located in the "V" Flood Zones or within one hundred fifty (150) feet of the Coastal Construction Control Line shall be pilings or piers.)

Mr. Bell addressed the Board, and distributed handouts including two aerial photos of the site, a survey of the property showing the proposed 24'x 24' addition, architectural plans, soil test and profile, and a boring location plan. He explained that the proposed addition will serve as a closet/dressing area and will be located off the master bathroom. Currently, plans for the addition have been submitted to the Town as a shell structure only.

Mr. Bell stated that very limited access to the site of the addition prohibits the installation of pilings. In fact, the soil test reveals no need for pilings, but instead, recommends a spread footing, or monolithic slab for the foundation. Mr. Bell has proposed spread footings for the addition, just the same as is used on the existing 6,000 square foot residence.

Mr. Ackerman stated that the Town, as well as the DNR, requires that any structure seaward of the Coastal Construction Control Line be on pilings, and in this particular case, the CCCL goes right through the addition.

Mr. Smith commented that the Board has granted similar requests for relief from the code in the past, and those approvals were largely based upon the presence of existing seawalls, distance from the CCCL, and the size/depth of footings. He recalled that this particularly high seawall is the original Mizner seawall erected in the 20's, and has stood intact ever since. Mr. Bell added that this seawall is five feet (5') thick at its base.

Mr. Bell put forth the appellant's dilemma that the Town does not want to approve the spread footings without DNR approval, and on the other hand, the DNR will not give an approval without first receiving a letter of approval from the Town. So, the appellant is pursuing Town approval first, and will then proceed in seeking DNR approval.

Mr. Sloane questioned what the Town's liability would be if the Board approves the spread footing, and the seawall ultimately fails and the house and/or addition is lost. Mr. Randolph replied that the Town is usually not liable, as relief from the code would have been sought only at the applicant's request. He

further stated that the Town could require the appellant to file a Hold Harmless Agreement as a condition of approval.

MOTION BY MR. SMITH TO APPROVE THE APPELLANT'S REQUEST WITH THE PROVISIO THAT THE APPELLANT FILE A HOLD HARMLESS AGREEMENT WITH THE TOWN. HE BASED THIS DECISION ON THE FOLLOWING: THERE IS AN EXISTING HIGH SEAWALL AT THIS SITE; THE EXISTING STRUCTURE, WHICH IS 90% OF THE BUILDING, TO WHICH THE ADDITION IS ATTACHED, IS NOT BUILT ON PILINGS; AND TOWN APPROVAL WILL NOT MEAN ANYTHING UNLESS DNR APPROVAL IS ALSO SECURED, MEANING THAT ANOTHER BOARD MUST SANCTION THE PARTICULAR CONSTRUCTION.

MOTION SECONDED BY MR. SLOANE.

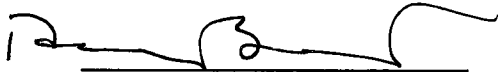
MOTION CARRIED 6-0-1, WITH MR. CASSIDY ABSTAINING.

V. Adjournment:

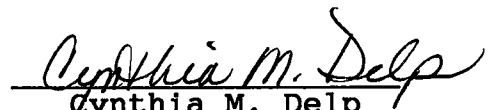
MOTION BY MR. SMITH TO ADJOURN AT 2:25 P.M.

MOTION SECONDED BY MR. SLOANE.

MOTION CARRIED UNANIMOUSLY.


Ames Bennett
Chairman


Harry P. Ackerman
Chief Building Inspector


Cynthia M. Delp
Recording Secretary

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