

TOWN OF PALM BEACH

Building and Zoning Department

BUILDING BOARD OF ADJUSTMENTS AND APPEALS
2:15 p.m., WEDNESDAY, MARCH 21, 1990
CONFERENCE ROOM, 360 SOUTH COUNTY ROAD, PALM BEACH

I. Call to Order: The meeting was called to order at 2:15 p.m. by E. Ben Walton, Acting Chairman.

II. Roll Call:

PRESENT: E. Ben Walton, Acting Chairman
Ames Bennett, Member
Jeffrey W. Smith, Member
John C. Cassidy, Member

ALSO PRESENT: Robert L. Moore, Director of Planning, Zoning and Building
Harry P. Ackerman, Chief Building Inspector
Richard E. Barber, Chief Plumbing Inspector

RECORDING SECRETARY: Sandra G. Melvin

Let the record show that John Nora was not in attendance.

III. Approval of the Minutes of the March 7, 1990 Meeting:

MOTION BY MR. BENNETT TO APPROVE THE MINUTES.

MOTION SECONDED BY MR. SMITH.

In reference to 267 Dunbar Road, Mr. Ackerman reported a solution was worked out to get full width. There would be 31 inches, overall, for the width area by eliminating the little returns. Mr. Bennett asked if that was taking the door jams in? Mr. Ackerman said it was, taking the little returns out on the cased opening. Mr. Bennett noted, with no structural problems. Mr. Ackerman said that was correct.

MOTION CARRIED UNANIMOUSLY.

IV. ITEM 1: Appeal of Standard Plumbing Code Section 903.5 (REQUIRING FIXTURES A MINIMUM OF 15 INCHES FROM WALLS AND 30 INCHES BETWEEN FIXTURES.)
Owner: Louis B. Deziel
Address: 117 Everglades Avenue

Mr. Barber noted everyone was given a copy of the distances in Plumbing Code 903.5, and reported at the time in June, the rough plumbing inspection was not set 15 inches, 30 inches, 15 inches. Mr. Barber brought this to the attention of the owner; and the plumbing contractor corrected it; and Mr. Barber went back and passed the rough re-inspection. When

the final inspection was made, Mr. Barber stated it was not set to the required 15 inches, 30 inches, 15 inches.

Mr. Deziel, an attorney with the firm of Alley, Maass, Rogers & Lindsay, presented a diagram, and said he was here on behalf of the owner, who is his father. Mr. Deziel said he did know the distances, and there was no factual difference between what Mr. Barber stated, and what is going to be presented. And he felt it was all the same up to where they were today. They got through with the rough plumbing and realized that the code, in his opinion, is not geared towards the plumbing fixtures they had ordered for the home, that are out there today.

Mr. Deziel said the 15 inches, 30 inches, 15 inches, and overall 60 inches requirement was not in the plumbing code until about 1986. Mr. Barber noted that was the approximate date. Mr. Deziel said it was a relatively recent requirement, when taken into consideration the number of homes that are out there in Palm Beach, or wherever homes are being built.

Mr. Deziel stated the rough opening was prepared to the required 60 inches, and as construction proceeded, they realized that they wanted to put in a tile-wainscoting, and chose a hand-made mexican tile that sets-up at a minimum of 1/2 inch, which automatically put them from 60 inches to the 59 inches. The figures are not on the drawing, and Mr. Deziel thought it important to note, the width of the bidet is approximately 14-1/2 inches, the width of the water closet is approximately 16-1/2 inches where you would sit, at the seat. Mr. Deziel explained on the diagram, if you looked at the widest part of the water closet, then go across, that is not the widest part of the w/c, but that is where we took the measurement from. He thought Mr. Barber would agree, the overall dimensions of 14-1/2 + 28-1/2 + 16-1/2 inches do measure up. He also noted the outside edge of the bidet was plus or minus 7 inches from the tile wall, once again at the widest point. Also, at the widest point in the middle, the bidet is about 14 inches from the w/c, and then as you go over to the w/c wall, that is about 7-1/2 inches.

Mr. Deziel explained two reasons why he was here today. The water closet in real life demands more space between the on-center line and the wall, because the w/c is two inches wider physically, by itself. Mr. Deziel asked Mr. Barber if the 14-1/2 inches distance between the center line of the bidet and the tile wall was an issue any longer? Mr. Barber told him, he had the option of either meeting the code or taking the distances that would have been allowed him. And Mr. Deziel took the option of coming to the Building Board of Adjustments and Appeals, so Mr. Barber felt they would now make the decisions since the rough was changed after inspection to get

this.

Mr. Deziel said it was important to point out what is required to make the two fixtures be in compliance with the code. It would involve ripping up the tile, moving the plumbing pipes, and moving the bidet 1/2 inch to the right, and moving the water closet 1-1/2 inches to the right. If that was done, the w/c is somewhere between 5-1/2 inches to 6 inches from the wall. I know I gave you 7-1/2 inches, but if it was moved over 1-1/2 inches, you're about 6 inches, you would have your 15 inches between the w/c and the bidet. And the most important thing being, the bidet and the w/c are not used at the same time. The 14 inches between the inner edge of the bidet and the inner edge of the w/c is where you need the least amount of distance because you actually move from one fixture to the other.

Mr. Deziel stated the proposal for the board today is that these inch requirements are more in line with requirements that would befit a commercial setting. How many of the homes in Palm Beach have been built before 1986, and how many have been built since 1986? Guessing, 95% to 99% of them are already in existence. This is not a requirement that has been a long standing requirement, it just came in recently. And it would be manifest injustice to have us rip up the tile and move the w/c and the bidet over. If that was done, it would be more uncomfortable for somebody to live in this house. To move these fixtures in compliance with the code, they would be more uncomfortable to use them because the distances would then not work. If it was being evaluated from a health, safety, and welfare standpoint, he didn't think that any harm would be done if the fixtures were left sitting the way they are today, and he felt it would be better for the home.

Mr. Deziel said he would be happy to answer any questions, but stated he felt the situation was clear. He said it was not changed from the rough to the final in any way to waive any flag in the building department's face, or to be a dissident towards Mr. Barber. At one point, a stage was reached where it was figured out that it was better to make the decision to switch, Mr. Barber would not approve, and that was fair. Mr. Deziel noted, it was appropriate to be before the board, because it was accurately pointed out that there is a deficiency. Now it is up to the board to make a decision whether or not the deficiency can stand, or it needs to be changed. Or, in fact, if it is a deficiency.

Mr. Bennett said he did not want to be argumentative or to disagree, but his own opinion did not agree with Mr. Deziel about the distance, and claimed more space was needed for the bidet as there was a need to straddle it, where you are out in front of the w/c. He felt the 14-1/2 inches was really

squeezing it, but did not know what harm it would do on a private residence.

Mr. Smith said that Robert asked him a long time ago to take a look at it, as they were friends. And he did not see any problem with either the bidet, or the w/c, and felt it was a residential issue. In this case he did not see any problem with leaving the bidet and w/c the way they were.

Mr. Barber stated a re-inspection should have been done at the rough, if the plumbing was changed.

Mr. Smith responded he saw it after it was finished, and did not think an inch was that big of a deal.

Mr. Moore wanted to get the point across that the alternative given them to compensate for the inch was not satisfactory to them, and this was the applicant's choice to come before the Building Board. It was not suggested that Mr. Deziel come here.

Mr. Smith said it did not appear that it was about tile, as tile could be added in at a later date at any job.

Mr. Moore stated there is no opposition in the granting of this. The alternative was not satisfactory to Mr. Deziel, and that is why he is here. We did not encourage that.

Mr. Deziel said the alternative was to move the w/c one inch towards the wall. The plumber was on the job, and Mr. Deziel said his father tried to loosen the bolts and tilt it towards the wall to see if they could come up with the inch, because sometimes there is a little play in the bolts. Mr. Barber came out and said it would not work. Mr. Deziel felt his alternatives were, either, to rip up the tile and not come here, or come here and ask not to rip up the tile. There really is no alternative.

Mr. Moore claimed the one alternative that was let go by the board, was to have called, when the rough was re-designed.

Mr. Cassidy questioned changing the rough after there was an inspection.

Mr. Moore responded, arbitrarily, without approval, and therein is the crux of the problem, and why Mr. Barber gave another alternative, which was not acceptable to Mr. Deziel, and that is why he is here. Mr. Moore said there was no opposition in granting relief, but there was a third step that was left out, although Mr. Deziel did cover it earlier in his statement, they did arbitrarily make the decision to change it without calling for re-inspection.

Mr. Smith noted with 60 inches as a rough, that is the minimum, and when you put the tile on, nothing is going to work. Nothing is going to meet code after tile is put on the wall, no matter how you shift it around.

Mr. Cassidy said he was under the impression that the actual location of the drains was moved after rough. Mr. Barber said that was correct. Mr. Cassidy asked why after a rough inspection, is something relocated? Mr. Deziel said he did not know how far it was relocated after the rough inspection, and asked Mr. Barber if he knew? Mr. Barber said it was covered up and he never got to see it. There was continued discussion.

Mr. Cassidy noted this was a residence and the people have to live there, so he did not see that as being a big problem. For, however, it happened, you all should be advised that we do not care for that sort of thing to happen, and we assume this was just an accident, and nothing like it would happen again in the future. His point of view would be kind this time, but it is not the kind of thing they liked to hear about, and that thought should be remembered in the future, and also for the contractor, and everyone else.

Mr. Bennett felt it was not a big deal to make them comply. From a plumbing point of view, if it was moved, you might only loose one tile, not all the tiles.

MOTION BY MR. SMITH TO APPROVE THE REQUEST, WITH THE UNDERSTANDING THIS WOULD NEVER HAPPEN AGAIN.

MOTION SECONDED BY MR. CASSIDY

Mr. Bennett said he had a problem with it. He could not see why the w/c could not be moved over to solve the 30 inch problem, in-between where the 1-1/2 inches is off.

Mr. Deziel said if the w/c was moved over 1-1/2 inches, there is now between 5-1/2 and 6 inches, and that is where the toilet-roll dispenser will go. There is not enough space there. Because of code, and somebody's principles, you are going to create a situation worse in real life than it is now.

After further discussion, Mr. Bennett stated the bidet was too close, and the code was written with it in mind, to control this type of thing. Mr. Bennett felt the hardship was self-imposed.

Mr. Smith indicated the 60 inches looks good in the design stage because 60 inches is the proper amount of space, but once you have tile it is off.

Mr. Barber asked if the home was on the market. Mr. Deziel said no, it is the family home. There was further discussion. Mr. Deziel indicated there is no underlying agenda. To make his father live in a home of that price range and have to use the bathroom everyday in a location which he doesn't want is manifest injustice.

Mr. Moore stated from the town's standpoint, the last argument was totally irrelevant, and hoped Mr. Deziel didn't go too much further into that line, because there are highly expensive houses built in town that meet the code, and what was being discussed here was a code issue. Whether you think the code is right or wrong there is a way to change the code, and that is through the code change process. What we are talking about here is relief that you chose to come and ask for today. You turned down the alternative that the staff gave to make field corrections. There was no hidden agenda on anyone's part. In fact, from the staff's standpoint, we are very sorry this came to the board. We wished the correction was made in the field. Mr. Moore noted there was no objection to this board granting relief. This is a plumbing code that is designed for a 35 million dollar house, or 1 million dollar house, or a house built somewhere in the city for 35 thousand dollars. It is all the same code. Mr. Deziel responded that he hoped he did not say it wasn't. After further response, chairman Walton asked for a motion.

ON ROLL CALL, THE MOTION WAS CARRIED 3 TO 1, WITH A NEGATIVE VOTE CAST AGAINST THE MOTION BY MR. BENNETT.

ITEM 2: Appeal of Town of Palm Beach Amendments to the Standard Building Code Section 706.8 (C) 7 f. NOT ALLOWING METAL ROOFS IN RESIDENTIAL DISTRICTS.
Address: 245 Dunbar Road

Mr. Ackerman stated Standard Building Code Section 706.8 (C) 7 f., ..."Corrugated or flat sheet metal roofing and siding will not be allowed in any area where the use of property in said area is primarily residential, except as provided in section 2507 hereof (utility buildings, metal), and that metal siding as a veneer may be used in both residential, and commercial zones as a sheathing and roof covering combined under the following conditions," and then goes into the utility buildings, etc, etc.

Mr. Moore stated when updating the code amendments to the 1988 Building Codes, the effort was to restrict construction of metal buildings in residential zoning districts. Inadvertently, in doing that, there was discussion about the roof panels as well, in thinking the metal building, and then automatically excluded the standing seam metal roof to be put on a home in a

residential zoning district. Mr. Moore asked for relief from this section of the code for standing seam metal roofs. Mr. Moore noted the Architectural Commission has already given approval for installation at this address, and can not be allowed since being cut-out of even the possibility of being put on, in trying to deal with another subject altogether. Mr. Moore assured everyone, when the codes for the 91' code cycle is updated, this glitch would be corrected. Metal buildings in residential zoning districts would be restricted, but will not preclude the standing seam roofs, and the correction would be made on the next code change cycle.

Mr. Smith indicated the Architectural Commission approved a low seam, not your typical big, high standing seam. Mr. Moore responded ribbed, but that would even preclude that.

Mr. Smith inquired if there was any conflict with his voting on this issue since it went through the Architectural Commission? Mr. Moore stated there was no conflict whatsoever, you are talking about aesthetics vs. structural. Mr. Ackerman agreed.

Mr. Moore noted approval had been given, not for the full, tall standing seam, but a ribbed version of it, and indicated a sample is needed before issuance of a roofing permit.

MOTION BY MR. SMITH TO REMOVE THE STIPULATION THAT NO METAL ROOFS ARE ALLOWED IN RESIDENTIAL AREAS, AND PRIOR APPROVAL BY THE ARCHITECTURAL COMMISSION IS REQUIRED.

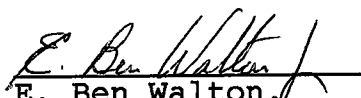
MOTION SECONDED BY MR. BENNETT.

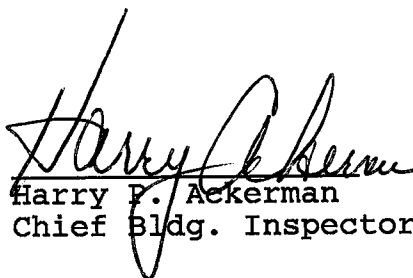
MOTION CARRIED UNANIMOUSLY.

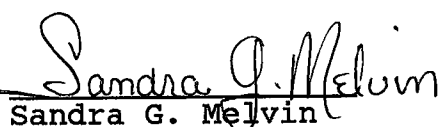
V. Adjournment

Being no further business the meeting was adjourned by Acting Chairman Walton.

(Whereupon, the Minutes of this Meeting concluded at 3:05 p.m.)


E. Ben Walton,
Acting Chairman


Harry P. Ackerman
Chief Bldg. Inspector


Sandra G. Melvin
Recording Secretary