

TOWN OF PALM BEACH

Planning, Zoning & Building Department

MINUTES

BUILDING BOARD OF ADJUSTMENTS AND APPEALS

2:00 p.m., THURSDAY, FEBRUARY 28, 1991

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
E. Ben Walton Jr.

II. Roll Call:

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

STAFF PRESENT: Pamela McNierney, Attorney representing the Town
Harry P. Ackerman, Chief Building Inspector
R. Tim Wright, Chief Electrical Inspector
Timothy M. Frank, Planner/Projects Coordinator
Cynthia M. Delp, Recording Secretary

OTHERS PRESENT: James S. Martindale, Worth Builders, General
Contractor
Mike McFarland, Malone Electric, Electrical
Contractor

III. Approval of the Minutes of the February 11, 1991 Meeting

THE MINUTES WERE APPROVED ON A MOTION MADE BY MR. BENNETT AND
SECONDED BY MR. SMITH. THE MOTION CARRIED UNANIMOUSLY.

IV. Items for Discussion

Let the record show that Mr. Cassidy declared a conflict with
respect to this item, and his Voting Conflict Form will become a
part of these Minutes.

Item 1: Requested by: Worth Builders
Regarding: 1290 South Ocean Boulevard
Subject: Variance to National Electrical Code
Section 210-70 (Requiring lighting
outlets installed at outdoor entrances
or exits.)

Mr. James S. Martindale, General Contractor, and Mr. Mike McFarland, Electrical Contractor, were present on behalf of the property owner, Mr. John Mashek. Mr. Martindale explained that the owners, architect, and decorators are vehemently opposed to egress lighting as is required by the National Electrical Code. They do not feel that this sort of lighting is architecturally or aesthetically acceptable.

Alternatively, in an attempt to comply with the Code, they have proposed the installation of a security lighting system which will be mounted in the surrounding trees and bushes. This security system will be activated every night. Additionally, yard lighting will be installed. Mr. McFarland, representing Malone Electric, stated that the security system will be installed according to the National Electrical Code.

Mr. Wright read the pertinent section of the National Electrical Code, which reads, "At least one wall switch-controlled lighting outlet shall be installed in every habitable room; in bathrooms, hallways, stairways, attached garages, and detached garages with electric power; and at outdoor entrances or exits". Mr. Wright stated that he has polled the various inspection agencies, as well as the code-making panel. Their response has been that a fixture is not required to be adjacent to a doorway, but the entrance/exit must be properly illuminated, and the structure on which the fixture is mounted must be permanent. Trees, of course, are not only not permanent, but are changed by growth patterns, weather conditions, or the preferences of some future owner. Further, landscape lighting is for just that, landscaping, not to illuminate entrances/exits. Mr. Wright stated that this provision is in the code for the safety of the inhabitants of the house. He cautioned the Board that to allow relief from the provisions of the Code in this instance will set a precedent for the Board which has the potential of becoming very cumbersome to the Board, as many contractors may seek similar relief.

Mr. Wright stated that there is an existing exception in the Code which provides that control of lighting for outdoor entrances may be remote, central or automatic. There is no exception, however, to the requirement that entrances/exits be

illuminated in the proper fashion.

Mr. Smith brought up the question..."What is an entrance or an exit?" This is certainly not a standard house. It is an estate, and although there are many entrances/exits, only very few will actually be used as such. Therefore, it would be very tedious to run fixtures on every exterior entrance/exit, some of which may never be used as an entrance/exit. Mr. Smith felt that the code is written for safety in minimum property standards. Mr. Smith sympathized with the property owner providing that the primary use openings are properly illuminated.

Mr. Martindale stated that a good number of exterior openings are already illuminated, like the main entrance, service entrance, and ocean loggia, which are the primary use entrance/exits.

Mr. Wright stated that the Code does not require that there be one fixture per entrance/exit. One fixture can service three doors, as long as the lighting is adequate. Mr. Wright's position, however, remained steadfast that the proposed security lighting system did not meet the provisions of the Code, which he must enforce.

MOTION BY MR. BENNETT TO APPROVE RELIEF FROM THE PROVISIONS OF THE CODE, AS PRESENTED TO INCLUDE THE SECURITY LIGHTING AND LIGHTING OF THE MAIN ENTRANCES/EXITS.

MOTION SECONDED BY MR. SMITH.

MOTION CARRIED UNANIMOUSLY.

V. Adjournment:

MOTION BY MR. SMITH TO ADJOURN AT 2:30 P.M.

MOTION SECONDED BY MR. CASSIDY.

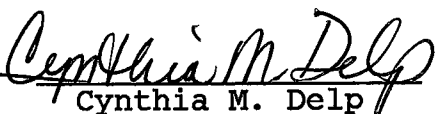
MOTION CARRIED UNANIMOUSLY.

After adjournment, there was an informal discussion regarding a previous Building Board item, the Mizner Pool and Fountain, just north of the Town Hall. The Board had required that the water level be kept to a maximum depth of 28". Mr. Walton stated that he measured the distance from the bottom of the tiles to the bottom of the pool. This distance measured 30". Therefore, Mr. Walton's comment was that if the maximum depth is to be 28", there will be a 2" space between the

water level and the bottom of the tiles. Mr. Tim Frank replied they have anticipated this problem, and another course of tile will be used to remedy it. He stated further that if sufficient funding is available, the renovation of the pool will include raising the bottom of the pool.


E. Ben Walton Jr.
Chairman


Harry P. Ackerman
Chief Building Inspector


Cynthia M. Delp
Recording Secretary

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HPA:cmd

FORM 8B MEN - RANDUM OF VOTIN - C - NFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME CASSIDY JOHN C		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE BUILDING BOARD OF ADJUSTMENTS & APPEALS	
MAILING ADDRESS 228 SEABREEZE AVE		THE BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: ☒ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY	
CITY PALM BEACH	COUNTY PALM BEACH	NAME OF POLITICAL SUBDIVISION: TOWN OF PALM BEACH	
DATE ON WHICH VOTE OCCURRED 28 FEBRUARY		MY POSITION IS: ☐ ELECTIVE ☒ 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, John C Cassidy, hereby disclose that on 28 FEBRUARY, 1991:

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

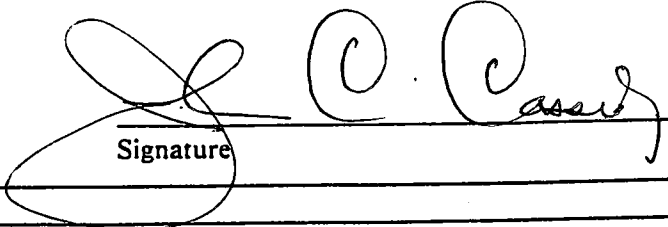
☐ inured to my special private gain; or

☒ inured to the special gain of WORTH BOWLERS, by whom I am retained.

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

VARIANCE TO NATIONAL ELECTRICAL CODE
SECTION 210-70 (REQUIRING LIGHTING OUTLETS INSTALLED
AT OUTDOOR ENTRANCES OR EXITS)

28 FEBRUARY 1991
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.