

TOWN OF PALM BEACH

Planning, Zoning & Building Department

MINUTES

BUILDING BOARD OF ADJUSTMENTS AND APPEALS

2:00 p.m., MONDAY, FEBRUARY 11, 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. at 2:07 p.m.

II. Roll Call:

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

STAFF PRESENT: Pamela McNierney, Attorney representing the Town
Harry P. Ackerman, Chief Building Inspector
Richard E. Barber, Chief Plumbing/Mechanical
Inspector
Timothy M. Frank, Planner/Projects Coordinator
James E. Sved, Staff Preservation Consultant
Paul Martins, Staff Preservation Consultant
Cynthia M. Delp, Recording Secretary

OTHERS PRESENT: H. Michael Hall, Architect
David C. Giacomelli, Associate of Mr. Hall

III. Approval of the Minutes of the January 10, 1991 Meeting

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

IV. Items for Discussion

Let the record show that before discussion of Items 1 & 2, Mr. Cassidy declared a conflict. His Voting Conflict Form has been completed and will become part of these Minutes.

Item 1: Requested by: Trust Estate
Regarding: 601 North County Road
Subject: Variance to Standard Plumbing Code
Section 903.5 (Requiring fixtures a
minimum of 15 inches from walls and
30" between fixtures.)

This item concerns the toilet rooms of the master bedroom, both "his" and "hers". Mr. Hall, the architect for the project, stated that when the plans were originally drawn, there was only to be one toilet in each toilet room or compartment. Since that time, the owners have requested that a urinal be added to "his" toilet room, and a bidet be added to "her" toilet room. Mr. Hall admitted that he was unaware of the provisions of the code, as listed above, with respect to residential construction. Mr. Hall stated that he has become aware that the code requires a urinal to be only 12" from the wall, as opposed to 15" for a toilet. So he proposes to move the urinal so that it is only 12" from the wall. With the extra space allowed, they would be able to increase the distance between the toilet and urinal so that it would only be short by 3/4", which would much better satisfy the code. In the case of "her" toilet room, to better satisfy the code, they propose to move the bidet 1" closer to the wall, and move the toilet 1" closer to the wall. Mr. Hall added that neither the present conditions, or the conditions after some remedy has been done, do not represent an endangerment to human life in any way.

Mr. Bennett stated that though it is highly unusual to install a urinal in a residence, he has no problem with the distance between the urinal and the toilet being 3/4" short of the required distance. With respect to "her" toilet room, Mr. Bennett agreed that the toilet be moved toward the wall by 1", as requested, and asked that they not move the bidet unless they could not achieve equal footing space on both sides.

MOTION BY MR. BENNETT TO APPROVE RELIEF FROM THE PROVISIONS OF THE CODE AS FOLLOWS:

"HIS" TOILET ROOM: MOVE THE URINAL IN SUCH A WAY THAT THE CENTER LINE OF THE URINAL IS 12" AWAY FROM THE WALL.

"HER" TOILET ROOM: MOVE THE WATER CLOSET A DISTANCE OF 1" CLOSER TO THE WALL, AND ONLY MOVE THE BIDET IN ORDER TO CENTRALIZE THE SPACE BETWEEN, SO THAT EQUAL FOOTING SPACE IS PROVIDED.

MOTION SECONDED BY MR. NORA.

MOTION CARRIED UNANIMOUSLY.

Item 2: Requested by: Trust Estate
Regarding: 601 North County Road
Subject: Variance to Standard Mechanical Code
Section 303.3.1 (Minimum 22"x 36"
continuous passageway from access
opening to equipment.)

This item concerns three access situations with chilled water air handlers at this job site. In the first situation, the constructed and existing access opening has dimensions of 42"(W) x 28"(H), per Mr. Cassidy's drawing. In the other two situations, the constructed and existing access opening has dimensions of 42"(W) x 31.5"(H) as per Mr. Cassidy's drawing. The size of the opening has been specified in the code, as above, to allow for adequate access to install, remove, and service the air conditioning equipment.

Mr. Cassidy stated that the constructed openings are larger than the required size, per the code, but the height and width dimension requirements are reversed. Mr. Barber stated that the opening should be 22"(W) x 36"(H), and this is how the code is being taught when the Standard Building Code is being taught, despite the fact that the code is somewhat unclear about whether the specified 22" or 36" should be for height or width. Mr. Barber added that Palm Beach County and the City of Boca Raton also interpret the code to mean 22"(W) x 36"(H).

Mr. Cassidy, having crawled through these accesses himself, said that these three access situations are 65% better than in most other homes in Palm Beach. Further, to enlarge the opening so that it would meet the code requirements, or to implement a roof hatch which was Mr. Barber's suggestion, the owners would incur a considerable extra expense.

Mr. Hall offered to build a permanent "dolly" to be put in place to facilitate movement of the equipment for easier access and service. Mr. Hall stated that no endangerment to health will be caused in any of these instances. Mr. Barber, however, contended that this is a case of new construction, and it should be done to code.

MOTION BY MR. BENNETT TO APPROVE THE 42"(W) X 28"(H) ACCESS OPENING, AS BUILT.

MOTION SECONDED BY MR. NORA.

MOTION CARRIED UNANIMOUSLY.

and THIS MOTION LATER AMENDED TO INCLUDE THE ABOVE, WITH THE ADDITION OF A "DOLLY" AS WAS SUGGESTED BY MR. HALL.

MOTION SECONDED BY MR. NORA.

MOTION CARRIED UNANIMOUSLY.

and

MOTION BY MR. BENNETT TO APPROVE THE OTHER TWO ACCESS OPENINGS AS BUILT, WITH DIMENSIONS 42"(W) x 31.5"(H).

MOTION SECONDED BY MR. NORA.

MOTION CARRIED UNANIMOUSLY.

In closing, Mr. Barber repeated that this is new construction, and should be built to code. He stated further that the Board of Adjustments and Appeals should not be used as a method to circumvent the codes.

Item 3: Requested by: Town of Palm Beach
Regarding: Mizner Memorial Fountain
360 South County Road
Subject: Variance to Section 5-253 Swimming Pool
Code (Fence enclosure required for any
body of water 18" or more deep.)

Mr. Ackerman began discussion regarding this project. He stated that no permits have been submitted for this project to date, but this hearing is being requested in response to questions from a prospective bidder regarding the code provision as stated above.

Mr. Tim Frank, Planner/Projects Coordinator for the Town, recounted past events leading to this hearing. As the Mizner fountain was noticeably in a deteriorated state, the Town applied for a grant to restore and renovate the fountain, reflecting pool, and fountain plaza. Almost all of the work to be done is remedial work, with no real major changes. Mr. Sved continued, stating that in addition to structural general restoration work, items proposed for change will include lighting, some plumbing, new landscaping, repainting the basin of the fountain and reflecting pool with blue/black paint to enhance reflective qualities, replace existing tiles with decorative, glazed Spanish tiles in fountain and pool, and other additional changes. It will be decided whether the reflecting pool will be returned to be a natural pond, or will remain chlorinated.

Let it be clear in the record that this discussion concerns the rectangular reflecting pool, and not the fountain itself.

Both Mr. Frank and Mr. Sved, stated that the best fence, so to speak, for the reflecting pool, is the traffic of South County Road which surrounds the fountain, pool and plaza.

Mr. Bennett commented that it is absurd to suggest that a fence should be erected around the reflecting pool. Mr. Nora questioned the actual depth of the water. Mr. Sved and Mr. Frank, although having not actually measured same, estimated that the depth would be approximately 28".

Mr. Ackerman added that it is possible, especially with grant monies available to pour a new floor for the pool, to decrease the depth of the pool, thereby decreasing any hazardous condition.

MOTION BY MR. BENNETT TO APPROVE RELIEF FROM THE PROVISIONS OF THE CODE, THEREBY NOT REQUIRING A FENCE TO SURROUND THE REFLECTING POOL, AND TO MAINTAIN THE WATER AT A MAXIMUM DEPTH OF 28".

MOTION SECONDED BY MR. NORA.

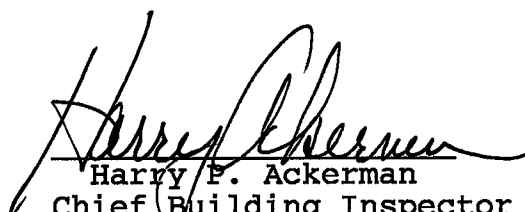
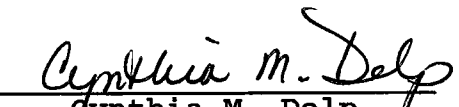
MOTION CARRIED UNANIMOUSLY.

V. Adjournment:

MOTION TO ADJOURN AT 3:04 P.M. BY MR. NORA.

MOTION SECONDED BY MR. CASSIDY.

MOTION CARRIED UNANIMOUSLY.

		
E. Ben Walton Jr. Chairman	Harry P. Ackerman Chief Building Inspector	Cynthia M. Delp Recording Secretary

cmd

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

LAST NAME—FIRST NAME—MIDDLE NAME CASSIDY JOHN CHARLES	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE BUILDING BOARD OF ADJUSTMENTS AND APPEALS
MAILING ADDRESS 228 SEABREEZE AVENUE	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
DATE ON WHICH VOTE OCCURRED 11 FEBRUARY 1991	NAME OF POLITICAL SUBDIVISION: TOWN OF PALM BEACH
	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 11 FEBRUARY, 19 91:

(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 TRUST INVESTMENTS, by whom I am retained.

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

Review of access & mechanical equipment
I am the mechanical contractor for this project

11 FEBRUARY 1991
Date Filed

John C. Cassidy
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.