

TOWN OF PALM BEACH

Planning, Zoning & Building Department

MINUTES

BUILDING BOARD OF ADJUSTMENTS AND APPEALS

2:00 P.M., JANUARY 9, 1992

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 at 2:04 p.m. by E. Ben Walton Jr., Chairman.
- II. Roll Call:
- PRESENT: E. Ben Walton Jr., Chairman
John Nora, Member
Ames Bennett, Member
John C. Cassidy, Member
Jeffery W. Smith, Member
- STAFF PRESENT: Harry P. Ackerman, Chief Building Inspector
John C. Randolph, Town Attorney
Cynthia M. Delp, Recording Secretary
- OTHERS PRESENT: Robert Nichols, Nichols Ltd. Inc.
Donald Carmichael, President, Royal Poinciana Chapel
Ray Wells
Dr. Thomas Kirkman

(Let the record show that Mr. Randolph arrived at 2:30 p.m.)

Let the record indicate that Mr. Cassidy declared a Conflict of Interest with respect to this matter, as he presently has an air conditioning maintenance contract on the existing Chapel structure. (Conflict of Interest form on file with these Minutes.) Mr. Randolph later clarified the Conflict of Interest issue for the benefit of those present. One would have a Conflict of Interest if he was presently employed, in some fashion, by the appellant, or if he was currently bidding work for the appellant. The possibility of being hired by the appellant at some date uncertain does not, however, constitute a Conflict of Interest.

- III. Approval of the Minutes of the May 6, 1991 Meeting:
MOTION BY MR. SMITH TO APPROVE THE MINUTES AS MAILED.
MOTION SECONDED BY MR. BENNETT.
MOTION CARRIED UNANIMOUSLY.

IV. Items for Discussion

Item 1: Requested by: Ames Bennett and Associates, P.A.
Regarding: 233 Tradewind Drive
Subject: Variance to Town of Palm Beach Standard
Plumbing Code Section 101.5.1 and
A103.8.12 (Requiring tests and repair of
plumbing systems to current codes when a
major alteration/repair occurs.)

Please note that this item was removed from the agenda. The applicant, working with Town Staff, has resolved this matter.

Item 2: Requested by: Nichols Ltd. Inc.
Regarding: 60 Cocconut Row
Subject: Variance to Town of Palm Beach Standard
Building Code Sections 703.4.2.1 (Requiring
3 hr. Class A door in a fire wall), Table 600
note "a" (requiring trusses of fire retardant
lumber or a 3 ft. high parapet in a fire
wall) and 701.2 (requiring a fire rated
enclosure at a required stair)

FACTS TO CONSIDER:

- 1) The existing Chapel structure is Type VI construction, (wood frame.)
- 2) The proposed addition to the Chapel will be of Type V construction. (masonry with wood roof system)
- 3) Because the existing Chapel is Type VI, the entire structure, both new and old is considered Type VI.
- 4) With the square footage of the new construction added to the existing square footage, the building exceeds the allowable square footage for Type VI construction. Therefore, a fire wall or separation wall was inserted.
- 5) The architect has, in effect, split the structure into two structures by constructing a 4 hour fire wall between the existing construction and the new construction.
- 4) The existing Chapel building is "sprinkled".
- 5) The new addition to the Chapel is not required to be "sprinkled."

Mr. Ackerman summarized the appellant's request as follow:

- 1) They propose to use a "B label" (90 minute) door instead of an "A label" (3 hour) door in the 4 hr. fire wall, and to make up the difference by installing sprinkler heads on both sides of the door.

The appellant requests the "B label" door because of aesthetics. They plan to use a 90 minute rated wood veneer door with molding

around it for a more traditional appearance. "A label" doors are typically hollow metal doors, and would not be as attractive. Mr. Ackerman questioned whether a veneer and moldings could be applied to the metal door. Mr. Nichols declined to comment on this option.

2) The appellant requests a wood truss system instead of the required steel trusses. This would require, per Table 600 a., that the trusses be fire retardant wood, or that a parapet wall be constructed penetrating through the building at least 3 ft. high. Instead of these two requirements, they propose to provide sprinkler protection to the trusses, and throughout the assembly area as well. Mr. Ackerman expressed his own reservations regarding the fire retardant trusses, and explained that the parapet alternative might create aesthetic problems.

3) A small section of the new construction has two stories. This section comprises approximately 3,000 square feet, (2,400 sq. ft. of office space upstairs and the rest in the organ chamber). Since the Code requires there be two exit stairs for this amount of square footage, and one of them is planned as an open stair, relief from the Code is sought. Two sets of stairs lead from this area. One of them, which is enclosed, leads directly to the exterior. The other leads down into a lobby area. It is this stair that they would like to leave open, therefore, the request for relief from a 1 hr. enclosure. In order to accomplish this, they propose extra sprinkler heads at the stair.

Mr. Carmichael, President of the Chapel, commented that they are proposing to "sprinkle" the entire building; that it is a historic building, and as such, a 90 minute rated door would be aesthetically preferable; and that no smoking is permitted in any areas of the building at any time.

The Board inquired as to the Staff opinion on this request. Mr. Ackerman replied that he and the Fire Marshal Wandell felt that the open stair with sprinklers would be acceptable; the wood trusses with sprinklers would be acceptable; but some reservations were expressed regarding the substitution of the 3 hr. door with a 90 minute door.

Mr. Smith commented that he is reluctant to grant relief from the Code when it concerns Life & Safety issues, especially considering the possible occupancy of the building.

After further discussion, MOTION BY MR. BENNETT TO APPROVE RELIEF FROM THE PROVISIONS OF THE CODE IN ALL THREE INSTANCES, AS PRESENTED.

MOTION SECONDED BY MR. NORA, AND CARRIED UNANIMOUSLY, WITH MR. CASSIDY ABSTAINING DUE TO CONFLICT OF INTEREST.

VI. Other Business:

Mr. Walton indicated that he would like to hear nominations for a new Chairman. MR. SMITH NOMINATED MR. BENNETT AS CHAIRMAN. MR. CASSIDY SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.

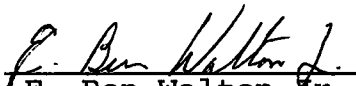
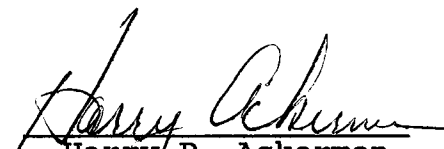
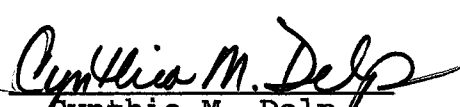
Mr. Ackerman reported that the Town Council will hear, at their next meeting, the second reading of the Building Code, which includes some changes regarding the BBAA. One of the revisions calls for the number of members to be upgraded to seven regular members, with two alternates. If same is approved by the Town Council, two regular members and two alternate members must be appointed by the Town Council. Possible appointees were mentioned. Also, the cases coming before the Board will be of two types...ones that appeal the decision of the Building Official, which will require at least four affirmative votes; and requests for variance to technical codes, which will require at least three affirmative votes, but not less than a majority. Additionally, certain conditions have been established which will need to be satisfied in order to be granted a variance to the Code. Any decision of the Board shall include the reason for such decision. These changes, of course, are subject to Town Council approval.

V. Adjournment:

MOTION BY MR. SMITH TO ADJOURN AT 2:56 P.M.

MOTION SECONDED BY MR. CASSIDY.

MOTION CARRIED UNANIMOUSLY, AND THE MEETING ADJOURNED.

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

cmd

COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME CASSIDY JOHN CHARLES--		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Town of Palm Beach Building Board of Advisors	
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 DIVISION: Town of Palm Beach	
DATE ON WHICH VOTE OCCURRED 9 JANUARY 1992		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. Cason, hereby disclose that on 9 January, 1992:

(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 ROYAL POLYNESIAN CHURCH, by whom I am retained.

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

I PRESENTLY HAVE AN AIR CONDITIONING
MAINTENANCE CONTRACT ON THE EXISTING BUILDING

9 January, 1992
Date Filed

John C. Cason
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.