

PALM BEACH COUNTY

BOARD OF COUNTY COMMISSIONERS

BOARD APPOINTMENT SUMMARY

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Meeting Date: June 5, 2007

Department: Planning, Zoning & Building

Submitted By: Building Division

Advisory Board Name: Construction Board of Adjustment and Appeals

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I. EXECUTIVE BRIEF

Motion and Title: Staff recommends a motion to approve: appointment of one individual to the Construction Board of Adjustment and Appeals, for a three year term, beginning June 8, 2007 to June 7, 2010.

<u>Appoint</u>	<u>Seat</u>	<u>Requirement</u>	<u>Nominated By</u>
Michael V. Walker	6	HVAC Contractor	CIMC

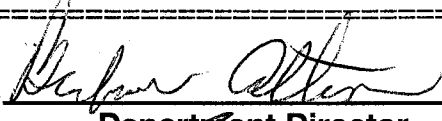
Summary: Palm Beach County Ordinance 89-31 created The Construction Board of Adjustment and Appeals. The term of the office is three years. Michael V. Walker is nominated by the Construction Industry Management Council of Palm Beach County. The nomination represents the HVAC contractor member of the Board as required by the Palm Beach County Ordinance 2002-005, as amended, Palm Beach County Amendments to the Florida Building Code, 2004 Edition. The Board is comprised of seven members consisting of one registered architect; one registered engineer; one general contractor; one electrical contractor; one HVAC contractor; one plumbing contractor and any other contractor licensed category. In addition to the seven members, there should be two alternate members, one member with the qualifications referenced above and one member at large from the public. Countywide (DW)

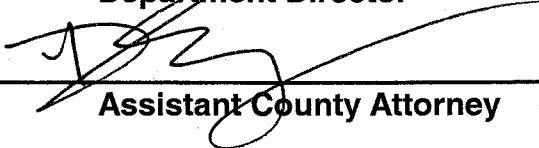
Background and Justification: continued on page 3

Attachments:

1. Board Appointment Information Form
2. Recommendation from Construction Industry Management Council of Palm Beach County
3. Attendance Record
4. Section 112 of the Palm Beach County Amendments to the Florida Building Code, 2004 Edition

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Recommended By:  5/22/07
Department Director Date

Legal Sufficiency:  5/24/07
Assistant County Attorney Date

II. REVIEW COMMENTS

A. Other Department Review:

Department Director

REVISED 06/92
ADM FORM 03
(THIS SUMMARY IS NOT TO BE USED AS A BASIS FOR PAYMENT.)

continued from page 1

Background and Justification: The Construction Board of Adjustments and Appeals shall have the power, as further defined in 112.4, to hear appeals of decisions and interpretations of the building official and consider variances of the technical codes.

The board shall establish rules and regulations for its own procedure not consistent with the provisions of this code. The board shall meet on call of the chairman. The board shall meet within 30 calendar days after notice of appeal has been received.

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS**

BOARD APPOINTMENT INFORMATION FORM

Part I:

Board Name: CONSTRUCTION BOARD OF ADJUSTMENTS & APPEALS

At Large Appointment or District Appointment

Term of Applicant: 3 years. From 06/08/2007 To 06/08/2010

Seat Requirement: HAVC CONTRACTOR Seat # 6

**Reappointment or New Appointment

or to complete the term of _____

due to: resignation other _____

completion of term to expire on: _____

Part II: *APPLICANT, UNLESS EXEMPTED, MUST BE A COUNTY RESIDENT*

Name: MICHAEL V. WALKER

Occupation/Affiliation: HVAC CONTRACTOR

Business Name: ENGINEERED COMFORT SYSTEMS, INC.

Business Address: 2525 OLD OKEECHOBEE TOAD, SUITE 22

City & State: WEST PALM BEACH, FL Zip Code: 33409

Residence Address: 1411 PINE VALLEY DRIVE

City & State: WELLINGTON, FL Zip Code: 33414

Home phone: (561) 790-0938 Business phone: (561) 650-3300

Mailing Address preference: Business Address Residence Address or other:

Minority Identification Code:

- | | |
|--|---|
| <input type="checkbox"/> IF (American Indian Female) | <input type="checkbox"/> IM (American Indian Male) |
| <input type="checkbox"/> AF (Asian Female) | <input type="checkbox"/> AM (Asian Male) |
| <input type="checkbox"/> BF (Black Female) | <input type="checkbox"/> BM (Black Male) |
| <input type="checkbox"/> HF (Hispanic Female) | <input type="checkbox"/> HM (Hispanic Male) |
| <input type="checkbox"/> WF (White Female) | <input checked="" type="checkbox"/> WM (White Male) |

Part III: COMMISSIONER COMMENTS:

Appointment to be made at BCC Meeting on: _____

****When a person is being considered for re-appointment, the number and nature of previously disclosed voting conflicts shall be considered by the Board of County Commissioners.**

0 Number of previously disclosed voting conflicts.

Signature _____ Date _____

CIMC

PALM BEACH COUNTY CONSTRUCTION INDUSTRY MANAGEMENT COUNCIL

814 West Lantana Road, Suite 1, Lantana, Florida 33462-1553 • (561) 588-8045 • (561) 588-0051/fax • E-mail/pbccimc@aol.com

Bruce G. Kaleita, General Counsel

Natasha V. Cannon, Executive Director

FURNISHED VIA FACSIMILE

(561) 233-5020

April 26, 2007

Rebecca Caldwell, C.B.O.
Chief Building Official
Department of Planning Zoning & Building
2300 North Vista
West Palm Beach, Florida 33409

Re: HVAC Contractor Nominee to the Construction Board
of Adjustments & Appeals

Dear Ms. Caldwell:

Please be advised that the Construction Industry Management has nominated Michael V. Walker, HVAC Contractor, to serve on Seat 6 of the Construction Board of Adjustments & Appeals, replacing Anthony L. Castle. I have listed Mr. Walker's business and residential information below. Also enclosed, for review, is a brief resume.

Business:

Engineered Comfort Systems, Inc.
2525 Old Okeechobee Road
Suite 22
West Palm Beach, Florida 33409
561.650.3300/office
561.640.3399/fax
E-mail: mwalker@engcomfsys.com

THE MANAGEMENT LEVEL OF ASSOCIATIONS, REPRESENTING TRADES,
SKILLS AND DESIGN PROFESSIONALS IN THE CONSTRUCTION INDUSTRY.

Aluminum Association of Florida, Palm Beach • American Institute of Architects of Palm Beach • Associated General Contractors • Associated Builders & Contractors Association • Construction Association of South Florida
Electrical Council of Florida • Gold Coast Builders Association • National Association of Women In Construction • Palm Beach Air Conditioning Contractors of America • Palm Beach County Roofing & Sheet Metal Contractors Association • Plumbing Heating Cooling Contractors • Plumbing & Air Conditioning Contractors Industry Fund • Sunshine State One Call of Florida, Inc. • Trowel Guild
Underground Contractors Association of South Florida

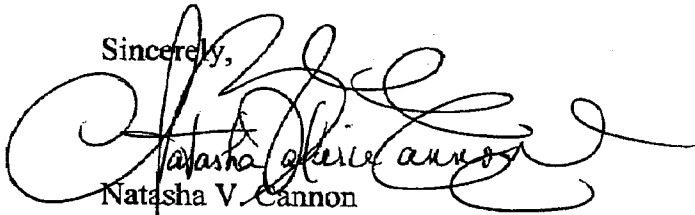
Page 2
CIMC - HVAC Contractor Nominee to CBAA
April 26, 2007

Residence:

1141 Pine Valley Drive
Wellington, Florida 33414
561.790.0938/home

Do not hesitate to call me (561) 588-8045 should you need any further information.

Sincerely,



Natasha V. Cannon
Executive Director

NVC/mee

Encl. Resume

cc: Don Dolan, PACCIF
Michael Walker

**THE MANAGEMENT LEVEL OF ASSOCIATIONS, REPRESENTING TRADES,
SKILLS AND DESIGN PROFESSIONALS IN THE CONSTRUCTION INDUSTRY.**

Aluminum Association of Florida, Palm Beach • American Institute of Architects of Palm Beach • Associated General Contractors • Associated Builders & Contractors Association • Construction Association of South Florida Electrical Council of Florida • Gold Coast Builders Association • National Association of Women In Construction • Palm Beach Air Conditioning Contractors of America • Palm Beach County Roofing & Sheet Metal Contractors Association • Plumbing Heating Cooling Contractors • Plumbing & Air Conditioning Contractors Industry Fund • Sunshine State One Call of Florida, Inc. • Trowel Guild
Underground Contractors Association of South Florida

1411 Pine Valley Drive (561.790.0938)
Wellington, Florida 33414 emwalker2engcomfsys.com

Michael V. Walker

Experience	<p>1991-Present Engineered Comfort Systems, Inc. West Palm Beach, Fl President</p> <ul style="list-style-type: none"> • Manage project up to \$2.5 million • Supervision of 4 managers office staff • Employee 15- 20 people <p>1989-1991 York International Miami, Fl</p> <ul style="list-style-type: none"> • Field service technician, commercial and industrial centrifugal compressor mechanic responsible for service, overhaul and control trouble shooting. <p>1987-1989 Hill York Corp, Inc. West Palm Beach, Fl</p> <ul style="list-style-type: none"> ▪ Sales manager, over see the service deptment for the West Palm Beach Office up to 15 field service technician. <p>1978-1987 J B Cain Company Royal Oak, Mich</p> <ul style="list-style-type: none"> • Field service technician for all phases of HVAC equipment. • Lead DDC control installer. <p>1975-1978 Engineered Comfort Systems Detroit, Mich</p> <ul style="list-style-type: none"> • Residential and commercial service mechanic, heating-cooling-refrigeration equipment.
Education	<p>1974-1975 Detroit Engineering Schooling Detroit, Mich</p> <ul style="list-style-type: none"> • Climate Control Technology <p>1980-1981 Schoolcraft Community College Livonia, Mich</p> <ul style="list-style-type: none"> • Refrigeration-Electrical. Refrigeration Engineers Society training program. <p>1989-1991 York Company Miami, Fl</p> <ul style="list-style-type: none"> • Direct Digital Control training and programming. • Variable Frequency Drive training. • Centrifugal teardown school. <p>1972-1974 United States Marine Corp</p> <ul style="list-style-type: none"> • Two years active and four years reserves. • Honorable discharge.
Hobbies & Interests	Church, Family Flying, Fishing.
Family	Married to Debbie 31 years, Son married with two grand children, two girls one married and the other still looking.

CONSTRUCTION BOARD OF ADJUSTMENTS AND APPEALS ATTENDANCE RECORD, 2007												
NAME	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC
Bryon Scholz – Seat 1	P'dg	P'dg	NM	NM								
Gary Szyndlar – Seat 2	NM	NM	NM	NM								
Albert Godfrey – Seat 3	NM	NM	NM	NM								
Marc Weiner – Seat 4	P'dg	P'dg	NM	NM								
Ron Dixon – Seat 5	NM	NM	NM	NM								
VACANT – Seat 6	NM	NM	NM	P'dg								
Greg Dalberri – Seat 7	P'dg	P'dg	NM	NM								
Arnold Rich (Alt. 8)	NM	NM	NM	NM								
Joseph Parent (Alt. 9)	NM	NM	NM	NM								

Months with an **NM** indicates NO MEETING was held that month.

Months with a **blank** indicates the member DID attend that meeting.

Meeting Dates followed by ****** indicates this was a SPECIAL MEETING.

Months with an **A** indicates a member DID NOT attend that meeting.

Start indicates Newly Appointed Members

P'dg indicates that Seat is pending appointment/re-appointment

CONSTRUCTION BOARD OF ADJUSTMENTS AND APPEALS SITTING AS THE LOCAL CONSTRUCTION REGULATION BOARD ATTENDANCE RECORD, 2007

NAME	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC
Bryon Scholz	P'dg	P'dg	NM	NM								
Gary Szyndlar	NM	NM	NM	NM								
Albert Godfrey	NM	NM	NM	NM								
Marc Weiner	P'dg	P'dg	NM	NM								
Ron Dixon	NM	NM	NM	NM								
VACANT	NM	NM	NM	P'dg								
Greg Dalberri	P'dg	P'dg	NM	NM								
Arnold Rich (Alt. 8)	NM	NM	NM	NM								
Joseph Parent (Alt. 9)	NM	NM	NM	NM								

Months with an **NM** indicates NO MEETING was held that month.

Months with a **blank** indicates the member DID attend that meeting.

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system regulated by the technical codes, in case of emergency where necessary to eliminate an immediate hazard to life, or property, or unsafe condition. The building official shall notify the serving utility and, whenever possible, the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter.

110.4 Posting floor loads

110.4.1 Occupancy. An existing or new building shall not be occupied for any purpose that will cause the floors thereof to be loaded beyond their safe capacity. The building official may permit occupancy of a building for mercantile, commercial or industrial purposes, by a specific business, when he/she is satisfied that such capacity will not thereby be exceeded.

110.4.2 Storage and factory-industrial occupancies. It shall be the responsibility of the owner, agent, proprietor or occupant of Group S and Group F occupancies, or any occupancy where excessive floor loading is likely to occur, to employ a competent architect or engineer in computing the safe load capacity. All such computations shall be accompanied by an affidavit from the architect or engineer stating the safe allowable floor load on each floor in pounds per square foot uniformly distributed. The computations and affidavit shall be filed as a permanent record of the building division.

110.4.3 Signs required. In every building or part of a building used for storage, industrial or hazardous purposes, the safe floor loads, as reviewed by the building official on the plan, shall be marked on plates of approved design which shall be supplied and securely affixed by the owner of the building in a conspicuous place in each story to which they relate. Such plates shall not be removed or defaced, and if lost, removed or defaced, shall be replaced by the owner of the building.

SECTION 111 TESTS

The building official may require tests or test reports as proof of compliance. Required tests are to be made at the expense of the owner, or agent, by an approved testing laboratory or other approved agency.

SECTION 112 CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS

112.1 Appointment There is hereby established a board to be called the Construction Board of Adjustment and Appeals, which shall consist of seven members and two alternates. The applicable governing body shall appoint the Board.

112.2 Membership and Terms

112.2.1 Membership. The Construction Board of Adjustment and Appeals shall consist of seven members. Such board members shall be composed of individuals with knowledge and experience in the technical codes to include an architect, engineer, general contractor, electrical contractor, HVAC contractor, plumbing contractor, and any other contractor licensed category. In addition to the regular members, there should be two alternate members, one member with the qualifications referenced above and one member at large from the public. A board member shall not act in a case in which he has a personal or financial interest.

112.2.2 Terms. The terms of office of the board members shall be staggered so no more than one-third of the board is appointed or replaced in any 12-month period. The two alternates, if appointed, shall serve one-year terms. Vacancies shall be filled for an unexpired term in the manner in which original appointments are required to be made. Three absences of any member from required meetings of the board shall in a 12 month period, at the discretion of the applicable governing body, render any such member subject to immediate removal from office.

112.2.3 Quorum and voting. A simple majority of the board shall constitute a quorum. In varying any provision of this code, the affirmative votes of the majority present, but not less than three affirmative votes, shall be required. In modifying a decision of the building official, not less than four affirmative votes, but not less than a majority of the board, shall be required. In the event that regular members are unable to attend a meeting, the alternate members, if appointed, shall vote.

112.2.4 Secretary of board. The building official or his/her authorized representative shall act as secretary of the board and shall make a detailed record of all of its proceedings, which shall set forth the reasons for its decision, the vote of each member, the absence of a member, and any failure of a member to vote.

112.3 Powers. The Construction Board of Adjustments and Appeals shall have the power, as further defined in 112.4, to hear appeals of decisions and interpretations of the building official and consider variances of the technical codes.

112.4 Appeals

112.4.1 Decision of the building official. The owner of a building, structure or service system, or duly authorized agent, may appeal a decision of the building official to the Construction Board of Adjustment and Appeals whenever any one of the following conditions are claimed to exist:

1. The building official rejected or refused to approve the mode or manner of construction proposed to be followed or materials to be used in the installation or alteration of a building, structure or service system.
2. The provisions of this code do not apply to this specific case.

3. That an equally good or more desirable form of installation can be employed in any specific case.
4. The true intent and meaning of this code or any of the regulations hereunder have been misconstrued or incorrectly interpreted.

112.4.2 Variances. The Construction Board of Adjustments and Appeals, when so appealed to and after a hearing, may vary the application of any provision of this code to any particular case when, in its opinion, the enforcement thereof would do manifest injustice and would be contrary to the spirit and purpose of this or the technical codes or public interest, and also finds all of the following:

1. That special conditions and circumstances exist which are peculiar to the building, structure or service system involved and which are not applicable to others.
2. That the special conditions and circumstances do not result from the action or inaction of the applicant.
3. That granting the variance requested will not confer on the applicant any special privilege that is denied by this code to other buildings, structures or service system.
4. That the variance granted is the minimum variance that will make possible the reasonable use of the building, structure or service system.
5. That the grant of the variance will be in harmony with the general intent and purpose of this code and will not be detrimental to the public health, safety and general welfare.

112.4.2.1 Conditions of the variance. In granting the variance, the board may prescribe a reasonable time limit within which the action for which the variance is required shall be commenced or completed or both. In addition, the board may prescribe appropriate conditions and safeguards in conformity with this code. Violation of the conditions of a variance shall be deemed a violation of this code.

112.4.3 Notice of appeal. Notice of appeal shall be in writing and filed within 30 calendar days after the building official renders the decision. Appeals shall be in a form acceptable to the building official.

112.4.4 Unsafe or dangerous buildings or service systems. In the case of a building, structure or service system, which in the opinion of the building official, is unsafe, unsanitary or dangerous, the building official may, in the order, limit the time for such appeals to a shorter period.

112.5 Procedures of the board.

112.5.1 Rules and regulations. The board shall establish rules and regulations for its own procedure not inconsistent with the provisions of this code. The board shall meet on call of the chairman. The board shall meet within 30 calendar days after notice of appeal has been received.

112.5.2 Decisions. The Construction Board of Adjustment and Appeals shall, in every case, reach a decision without unreasonable or unnecessary delay. Each decision of the board shall also include the reasons for the decision. If a decision of the board reverses or modifies a refusal, order, or disallowance of the building official or varies the application of any provision of this code, the building official shall immediately take action in accordance with such decision. Every decision shall be promptly filed in writing in the office of the building official and shall be open to public inspection. A certified copy of the decision shall be sent by mail or otherwise to the appellant and a copy shall be kept publicly posted in the office of the building official for two weeks after filing. Every decision of the board shall be final; subject however to such remedy as any aggrieved party might have at law or in equity.

SECTION 113 SEVERABILITY

If any section, subsection, sentence, clause or phrase of this code is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

SECTION 114 VIOLATIONS AND PENALTIES

Any person, firm, corporation or agent who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, or who shall erect, construct, alter, install, demolish or move any structure, electrical, gas, mechanical or plumbing system, or has erected, constructed, altered, repaired, moved or demolished a building, structure, electrical, gas, mechanical or plumbing system, without full compliance with applicable codes, laws, ordinances, rules and regulations, shall be guilty of a misdemeanor. Each such person shall be considered guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of applicable codes, laws, ordinances, rules and regulations is committed or continued, and upon conviction of any such violation such person shall be punished within the limits and as provided by state laws. Nothing in this section shall prevent the authority having jurisdiction from imposing fines, liens, or seek injunction relief, or exercising other enforcement powers as permitted by law. Code enforcement and penalties of 162 Florida Statutes Part I shall be authorized if building work begins without payment of all required fees.

SECTION 115 Reserved