

Agenda Item#

9E-2

PALM BEACH COUNTY

BOARD OF COUNTY COMMISSIONERS

BOARD APPOINTMENT SUMMARY

Meeting Date: March 11, 2008

Department: Planning, Zoning & Building

Submitted By: Building Division

Advisory Board Name: Construction Board of Adjustment and Appeals

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends a motion to approve: The appointment of the following named individual to the Construction Board of Adjustment and Appeals (CBAA) for a three (3) year term from March 11, 2008 to March 10, 2011.

<u>Appoint</u>	<u>Seat</u>	<u>Requirement</u>	<u>Nominated By</u>
Duane Drawdy	2	General 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. Duane Drawdy is nominated by the Construction Industry Management Council of Palm Beach County. The nomination represents the General 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. Résumé
5. Section 112 of the Palm Beach County Amendments to the Florida Building Code, 2004 Edition

Recommended By:  2/13/08
Department Director Date

Legal Sufficiency: _____
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 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
ADVISORY BOARD NOMINEE INFORMATION FORM**

Part I:

Board Name: Construction Board of Adjustment and Appeals

☒ At Large Appointment

or

☐ District Appointment

Term of Appointment: 3 Years. From: 03/11/2008 To: 03/10/2011

Seat Requirement: General Contractor Seat #: 02

☐ *Reappointment

or

☒ New Appointment

or ☐ to complete the
term of _____

Due ☐ resignation ☐ other
to: _____

Completion of term to
expire on: _____

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

Name: Drawdy Duane
Last First Middle

Occupation/Affiliation: General Contractor

Business Name: Drawdy Construction Company, Inc.

Business Address: 10201 Lantana Road

City & State Lake Worth, Florida Zip Code: 33467

Residence Address: 5960 Michlar Drive

City & State Lake Worth, Florida Zip Code: 33467

Home Phone: (561) 439-6351 Business Phone: (561) 965-8092 ext. _____

Cell Phone: (561) 307-3405 Fax: (561) 965-9201

Email Address: Drawdyconst@bellsouth.net

Mailing Address preference: ☒ Business Address ☐ Residence

Minority Identification Code:

☐ IF (Native-American Female)

☐ IM (Native-American Indian Male)

☐ AF (Asian-American Female)

☐ AM (Asian-American Male)

☐ BF (African-American Female)

☐ BM (African-American Male)

☐ HF (Hispanic-American Female)

☐ HM (Hispanic-American Male)

☐ WF (Caucasian Female)

☒ WM (Caucasian Male)

Part III: COMMISSIONER COMMENTS

Appointment to be made at BCC Meeting on: 03/11/2008

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

_____ Number of previously disclosed voting conflicts during the previous term

Signature: _____ Date: _____



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

FURNISHED VIA HAND DELIVERY

February 4, 2008

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

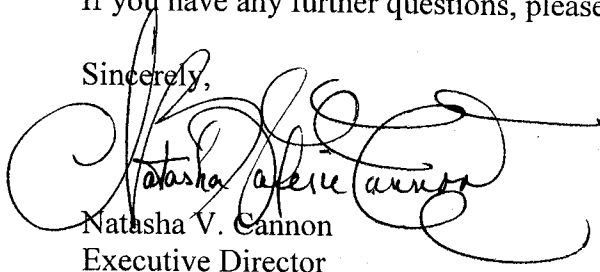
Re: General Contractor nominee to Construction Board of
Adjustments & Appeals

Dear Ms. Caldwell:

Please be advised that the Construction Industry Management Council has nominated Duane Drawdy, General Contractor, to serve on the Construction Board of Adjustments & Appeals replacing Gary Szyndlar. I have enclosed a brief resume for your perusal.

If you have any further questions, please do not hesitate to contact me at (561) 588-8045.

Sincerely,



Natasha V. Cannon
Executive Director

NVC/dn

Enc. Resume

THE MANAGEMENT LEVEL OF ASSOCIATIONS, REPRESENTING TRADE
SKILLS AND DESIGN PROFESSIONALS IN THE CONSTRUCTION INDUSTRY IN
PROVIDING AN EFFECTIVE FORMAT OF INFORMATION.

Aluminum Association • Associated General Contractors • Associated Builders & Contractors Association
Construction Association of South Florida • Electrical Contractors of Florida • Gold Coast Builders Association
National Association of Women In Construction • Palm Beach Air Conditioning Contractors of America
Plumbing Heating Cooling Contractors • Plumbing & Air Conditioning Contractors Industry Fund • Trowel Guild
Underground Contractors Association of South Florida

CONSTRUCTION BOARD OF ADJUSTMENTS AND APPEALS ATTENDANCE RECORD, 2008													
NAME	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	
Bryon Scholz – Seat 1	A												
VACANT – Seat 2	P'dg												
Albert Godfrey – Seat 3													
Marc Weiner – Seat 4													
Ron Dixon – Seat 5													
Michael V. Walker – Seat 6	A												
Greg Dalberri – Seat 7													
Arnold Rich (Alt. 8)													
Joseph Parent (Alt. 9)													

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 ATTENDANCE RECORD, 2007												
NAME	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC
Bryon Scholz – Seat 1	P’dg	P’dg	Start	NM	NM	NM		NM	NM	A	NM	NM
VACANT – Seat 2	NM	NM	NM	NM	NM	NM	P’dg	P’dg	P’dg	P’dg	P’dg	P’dg
Albert Godfrey – Seat 3	NM	NM	NM	NM	NM	NM		NM	NM		NM	NM
Marc Weiner – Seat 4	P’dg	P’dg	NM	NM	NM	NM	A	NM	NM		NM	NM
Ron Dixon – Seat 5	NM	NM	NM	NM	NM	NM		NM	NM	A	NM	NM
Michael V. Walker – Seat 6	NM	NM	NM	P’dg	P’dg	P’dg	Start	NM	NM	A	NM	NM
Greg Dalberri – Seat 7	P’dg	P’dg	Start	NM	NM	NM		NM	NM		NM	NM
Arnold Rich (Alt. 8)	NM	NM	NM	NM	NM	NM		NM	NM	N/A	NM	NM
Joseph Parent (Alt. 9)	NM	NM	NM	NM	NM	NM		NM	NM		NM	NM

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CONSTRUCTION BOARD OF ADJUSTMENTS AND APPEALS SITTING AS THE LOCAL CONSTRUCTION REGULATION
BOARD ATTENDANCE RECORD, 2008

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

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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	Start	NM	NM	NM	NM	NM	NM	NM	NM	NM
VACANT	NM	NM	NM	NM	NM	NM	P'dg	P'dg	P'dg	P'dg	P'dg	P'dg
Albert Godfrey	NM	NM	NM	NM	NM	NM	NM	NM	NM	NM	NM	NM
Marc Weiner	P'dg	P'dg	NM	NM	NM	NM	NM	NM	NM	NM	NM	NM
Ron Dixon	NM	NM	NM	NM	NM	NM	NM	NM	NM	NM	NM	NM
Michael V. Walker	NM	NM	NM	P'dg	P'dg	P'dg	Start	NM	NM	NM	NM	NM
Greg Dalberri	P'dg	P'dg	Start	NM	NM	NM	NM	NM	NM	NM	NM	NM
Arnold Rich (Alt. 8)	NM	NM	NM	NM	NM	NM	NM	NM	NM	NM	NM	NM
Joseph Parent (Alt. 9)	NM	NM	NM	NM	NM	NM	NM	NM	NM	NM	NM	NM

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

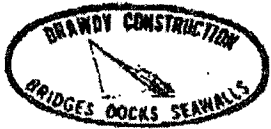
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License # CGC 016907

Drawdy Construction Co., Inc.
10201 Lantana Road
Lake Worth, Florida 33467



Phone: 561-965-8092
Fax: 561-965-9201

To: Whom It May Concern 11/12/07
Regards: P.B.Co. Construction Board of Adjustments and Appeal vacancy.

I would like to be considered for the opening on this board.

I grew up in Lake Worth and graduated Lake Worth High School in 1958. In 1980 my father, brother and myself started Drawdy Construction Company and I am the Vice – President. I have a State General Contractors License, #CGC016907. Our office is 10201 Lantana Road, Lake Worth, Florida 33449.

I was a member of the Associated General Contractor Board of Directors from 1994 to 2002, AGC President in 1997 and 1998, a member of the Construction Industry Licensing Board of Palm Beach County from 2001 thru 2004, and chairman in 2004.

For reference as to my qualifications, I would suggest

- **Ron Dixon** (Construction Board of Adjustments and Appeals)
Phone: 561-346-0855
- **Ellis Ross** (PBCo. Construction Coordination)
Phone: 561-684-4180
- **Kurt Eismann** (PBCo. C.I.L.B.)
Phone: 561-233-5525

Quane Drawdy

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