

PALM BEACH COUNTY

BOARD OF COUNTY COMMISSIONERS

BOARD APPOINTMENT SUMMARY

Meeting Date: January 13, 2009

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 reappointment of the following named individual to the Construction Board of Adjustment and Appeals (CBAA) for a three (3) year term from January 13, 2009 to January 12, 2012.

<u>Nominee</u>	<u>Seat</u>	<u>Requirement</u>
Albert G. Godfrey	3	Electrical Contractor

**Summary:** Albert G. Godfrey is re-appointed by the Construction Industry Management Council of Palm Beach County. The nomination represents the electrical 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. Countywide (DW)

**Background and Justification:** Palm Beach County Ordinance 89-31 created The Construction Board of Adjustment and Appeals. 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 one member at large from the public. In addition to the seven members, there are two alternate contractor members.

**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

Recommended By: [Signature] 12/22/08  
Department Director Date

Legal Sufficiency: [Signature] 12/29/08  
Assistant County Attorney Date

**II. REVIEW COMMENTS**

**A. Other Department Review:**

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**Department Director**

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

**PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS  
ADVISORY BOARD NOMINEE INFORMATION FORM**

**Part I:**

Board Name: CONSTRUCTION BOARD OF ADJUSTMENT & APPEALS

At Large Appointment      or       District Appointment

Term of Appointment: 3 Years.      From: 01/13/2009      To: 01/12/2012

Seat Requirement: ELECTRICAL CONTRACTOR      Seat #: 3

\*Reappointment      or       New Appointment

or  to complete the term of      Due  resignation  other to:

Completion of term to expire on: 01/01/2009

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

Name: GODFREY      ALBERT      G.  
Last      First      Middle

Occupation/Affiliation: ELECTRICAL CONTRACTOR  
GODFREY ELECTRIC, INC.

Business Name: 1222 OMAR ROAD

Business Address: WEST PALM BEACH, FLORIDA      33405  
City & State      Zip Code:

Residence Address: 1222 OMAR ROAD  
WEST PALM BEACH, FLORIDA      33405  
City & State      Zip Code:

Home Phone: (561)      Business Phone: (561) 833-3753      Ext.

Cell Phone: ( )      Fax: (561) 833-9391

Email Address: AlbertJrGodfrey@aol.com

Mailing Address preference:  Business Address     Residence

**Minority Identification Code:**

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

**Part III: COMMISSIONER COMMENTS**

Appointment to be made at BCC Meeting on: JANUARY 13, 2009

**\*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.**

0 Number of previously disclosed voting conflicts during the previous term

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

*Attachment 1*

**CONSTRUCTION  
INDUSTRY  
MANAGEMENT  
COUNCIL**



**Bruce G. Kaleita, General Counsel**

**Natasha V. Cannon, Executive Director**

**\*\* FURNISHED VIA E-MAIL & US MAIL \*\***

December 18, 2008

Rebecca Caldwell, Director  
Building Division  
Department of Planning Zoning & Building  
2300 North Jog Road  
West Palm Beach, Florida 33411-2741

Re: Electrical Contractor Nominee to Construction Board of Adjustments & Appeals

Dear Ms. Caldwell:

Pursuant to your letter of November 13, 2008, the members of the Construction Industry Management Council have nominated Albert Godfrey, Electrical Contractor, to serve another term on Seat 3 of the Construction Board of Adjustments & Appeals.

Please call me at (561) 200-4788 should you need anything or have additional questions.

Sincerely,

Natasha V. Cannon  
Executive Director

NVC/dn

cc: ECF  
Albert Godfrey

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

Attachment 2

**CONSTRUCTION BOARD OF ADJUSTMENTS AND APPEALS ATTENDANCE RECORD, 2008**

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

Attachment 3

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**