

TOWN OF PALM BEACH

Information for Town Council Meeting on:

February 14, 2024

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Wayne Bergman, Director of Planning, Zoning & Building



Re: Waiver of Town Code Section 18-237, For Building Permit Extension at 205 Via Tortuga

Date: January 17, 2023

STAFF RECOMMENDATION

Staff recommends that the Town Council consider the request from contractor Bruce A. Malasky with Malasky Homes, Inc. regarding a time extension in which to complete construction of a new two-story home and pool at 205 Via Tortuga and to extend the permit by one month – until March 15, 2024.

GENERAL INFORMATION

The current owner is 205 Via Tortuga LLC, who purchased the property in October of 2020. The building permit was issued in June of 2021, has a duration of 30 months, and technically expired on December 10, 2023. The contractor explains in his letter dated January 10, 2024, that the time extension is based on the Town-mandate of a fire sprinkler system and labor shortages. The attached construction schedule shows the new timeline has all work completed by March 15, 2024.

The contractor appears to have complied with all new requirements for neighbor notice. Staff extended the permit for 30 days and has no issue with the request.

Attachments: Letter from Bruce A. Malasky, with Construction Schedule
Permit Summary for the Property
Property Appraiser Details for the Property

MALASKY HOMES, INC.

1300 North Florida Mango road

Suite 15

West Palm Beach, FL 33409

561-471-8600 CBC-058217

January 10, 2024

Mr. Wayne Bergman

Director

Town of Palm Beach Building, Planning and Zoning

And

Ms. Deborah Moody

Office Manager

Town of Palm Beach Building, Planning and Zoning

360 south County Road

Palm Beach, FL 33480

Re: 205 Via Tortuga

Master Permit # B-21-88002

Dear Mr. Bergman and Ms. Moody:

Malasky Homes, Inc. is requesting a thirty (30) day extension for the above referenced permit from the date of Town Councils February 14, 2024 development revue meeting.

Malsky Homes, Inc. would have made a timelier application for a permit extension, however, I, the undersigned was not familiar with the Towns extension process or requirements.

The primary reason for our delay is two fold:

1: The size of the house required a fire sprinkler system. This requirement was written as a proviso in the plans by plan review. I did not discover the proviso until the day before we were ready to start hanging drywall. In fact, we had passed all of our pre-drywall inspections with no mention of fire sprinkler system, requirement. It took approximately three months to design, permit and install fire sprinkler system.

2. We have experienced significant labor shortages across all trades during the past twelve (12) months, primarily due to the new State of Florida laws to crack down on unauthorized Aliens.

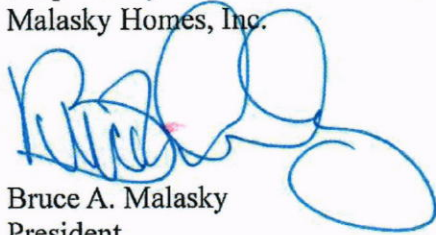
As of todays date the vast majority of the work of incomplete work is inside and "quire work." The incomplete exterior work is installation of sod, aluminum site gates, aluminum pergola and painting the exterior. Accordingly, Malasky Homes, Inc. will continue to mitigate nuisance to neighbors using the Towns generally required procedures (i.e. Green construction fence around site until all landscape is installed; park construction vehicles parking on site only, flag man outside to monitor and direct traffic,)

Our Gantt chart work to be completed is attached, as a separate electronic file.

Your cooperation is appreciated in advance.

Respectfully:

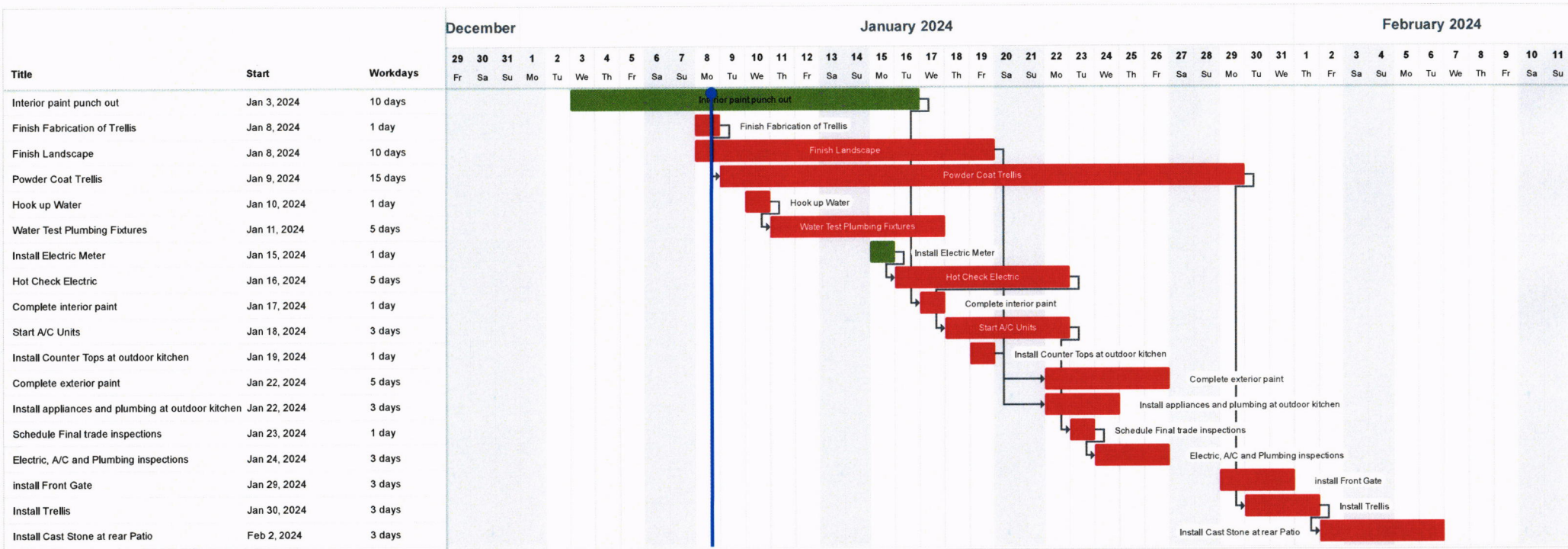
Malasky Homes, Inc.

A handwritten signature in blue ink, appearing to read "Bruce A. Malasky", is written over the printed name and title.

Bruce A. Malasky
President



Schedule - Gantt - 205 Via Tortuga



Malasky Homes, Inc.
1300 North Florida Mango Road
Suite 15
West Palm Beach, FL 33409
561-471-8600
CBC-058217

January 11, 2024

Neighbors Name
Neighbors Mailing Address

Re: 205 Via Tortuga Project

Dear Neighbor:

You are receiving this notice because your property is within 300 Ft. of 205 Via Tortuga. Malasky Homes, Inc. has requested to be on the upcoming February 14, 2024, Town Council agenda to request a time extension of thirty (30) days for the Building Permit associated with 205 Via Tortuga. Said permit extension will be through March 15, 2024.

As of the date of this mailing most of the incomplete work is inside and "quiet work." The incomplete exterior work is installation of sod, aluminum site gates, aluminum pergola and painting the exterior. Accordingly, Malasky Homes, Inc. will continue to mitigate nuisance to neighbors using the Towns generally required procedures (i.e. green construction fence around site until all landscape is installed; park construction vehicles parking on site only, flag man outside to monitor and direct traffic,)

The Town of Palm Beach Town Council will consider this application on February 14, 2024. This notice is being sent to you in conformance with Town of Palm Beach requirements.

Sincerely,

Bruce A. Malasky, President
Malasky Homes, Inc.



TOWN OF PALM BEACH

Planning, Zoning and Building

BUILDING PERMIT TIME EXTENSION REQUEST

A request for a building permit time extension must be submitted to the Town no later than 30 days PRIOR to permit expiration. Please send the following items to Director Bergman and Deb Moody at dmoodv@townofpalmbeach.com and wbergman@townofpalmbeach.com

1. Provide a detailed letter explaining the reasons why a time extension is being requested.
2. Provide a construction schedule to show completion timeline (CPM, Gantt Chart).
3. Provide nuisance mitigation measures.
4. Provide a statement that first class mailed notice to neighbors within 300 feet will be provided at least 25 days prior to the meeting at which the extension is to be considered.
5. Include a copy of the above notification sent to neighbors.
6. Provide a USPS Certificate of Mailing as proof of the mailed notice.
7. Payment – provide a copy of the receipt showing payment of applicable fees (1% of remaining, unfinished construction).

Deadlines: For meeting dates please visit our website at www.townofpalmbeach.com

- Town Council Development Review Date (Wednesday): February 14, 2024
- Deadline for submittal of request/backup must be received by: JANUARY 15, 2024
(Deadline is the Wednesday, two weeks prior to the Town Council Development Review Meeting)
- Deadline for Notice to neighbors: JANUARY 20, 2024
(must be provided 25 days in advance of TC/DRC Meeting)

Permit #: B-21-88002 Exp. Date: 12/11/23

Job Address: 205 VIA TORTUGA

Length of time extension being requested: (in days) 30 DAYS

Proposed completion date if requested time extension is granted: MARCH 15, 2024
(Must attach completion schedule)

VALUATION OF PERMITS TO DATE:

(Original permit value and any permit updates containing valuation to date)

Permit#: B-21-87208 Job Value \$ 306,000Permit#: B-21-88002 Job Value \$ 6,200,000Permit#: B-21-87209 Job Value \$ 45,000Permit#: B-23-01855 Job Value \$ 2,847,755Valuation of work remaining to complete the project: \$ 140,000
(Include labor, materials and the value of any owner supplied items, etc.)Permit fee due based upon 1% of this amount: \$ 1,400
(attach a copy of the receipt for payment)**OWNERS CERTIFICATION:** I certify the information listed above to be true and correct.

OWNER SIGNATURE

DATE

CONTRACTOR CERTIFICATION: I certify the information listed above to be true and correct.

CONTRACTOR SIGNATURE

DATE

NOTARY TO OWNERSTATE OF Palm Bch
COUNTY OF Palm Bch

Sworn to (or affirmed) and subscribed before me

this 10th day of JAN20 24, By BRUCE A. MALASKYWho are personally known ☒ OR produced
identification (Type of identification) _____
OR Online Notarization _____Tammy A. Murphy
Printed Name of Notary

Signature of Notary

NOTARY TO CONTRACTORSTATE OF Palm Bch
COUNTY OF Palm Bch

Sworn to (or affirmed) and subscribed before me

this 10th day of JAN20 24, By BRUCE A. MALASKYWho are personally known ☒ OR produced
identification (Type of identification) _____
OR Online Notarization _____Tammy A. Murphy
Printed Name of Notary

Signature of Notary

SEAL:

TAMMY A. MURPHY
Commission # HH 464940
Expires December 2, 2027

SEAL:

TAMMY A. MURPHY
Commission # HH 464940
Expires December 2, 2027Post Office Box 2029 • 360 South County Road • Palm Beach, Florida 33480
Telephone: (561)838-5431 • Facsimile (561)835-4621
E-Mail: pzb@townofpalmbeach.com • Website: www.townofpalmbeach.com

Permit number	Permit type	Master permit ID	Permit type name	Permit description	Permit Suite	Permit Address	Customer N	Customer First	Customer Last Name	Application date	Issue date	Expiration date	Approval state
B-24-02172	b-r03		430896 FEE CHARGE	TIME EXTENSION		205 VIA TORTUGA	537697		MALASKY HOMES INC	1/10/2024	1/10/2024	1/10/2024	final
B-23-01855	b-r05		430896 R-PERMIT UPDATE-CORRECTION/CHANGE IN VALUE ONLY	PERMIT UPDATE CORRECTION CHANGE IN VALUE ONLY		205 VIA TORTUGA	537697		MALASKY HOMES INC	11/28/2023	11/28/2023	11/28/2023	final
U-23-14719	u-p03		U-EXCAVATION IN ROW	EXCAVATE- INSTALL 1.25" PE GAS SERVICE BY DIRECTIONAL BORE AND CONNECT TO EXISTING 2" PE GAS MAIN.		205 VIA TORTUGA	540925		GAS SYSTEMS TECHNOLOGY INC	11/7/2023	11/16/2023	5/14/2024	issued
U-23-14333	u-p02		430896 U-USE OF/WORK IN ROW	STONE DELIVERY		205 VIA TORTUGA	537697		MALASKY HOMES INC	10/3/2023	10/6/2023	1/4/2024	issued
U-23-12234	u-p02		430896 U-USE OF/WORK IN ROW	TILE DELIVERY 10AM-12PM		205 VIA TORTUGA	537697		MALASKY HOMES INC	1/10/2023	1/17/2023	4/17/2023	issued
U-22-12160	u-p02		430896 U-USE OF/WORK IN ROW	USE OF ROW FOR STONE DELIVERY OFF LOADING WITH MOBIT CAST STONE DELIVERY - WORK FROM VIA TORTUGA - 20-FOOT TRUCK DATE: 1/4 BETWEEN 10 AM TO NOON		205 VIA TORTUGA	537697		MALASKY HOMES INC	12/27/2022	1/3/2023	4/3/2023	issued
U-22-11912	u-p02		430896 U-USE OF/WORK IN ROW	CAST STONE DELIVERY - WORK FROM VIA TORTUGA DATE: 11/28 BETWEEN 10 AM TO NOON		205 VIA TORTUGA	537697		MALASKY HOMES INC	11/15/2022	11/23/2022	2/21/2023	issued
U-22-11607	u-p02		430896 U-USE OF/WORK IN ROW	USE OF- DELIVERY OF STONE		205 VIA TORTUGA	537697		MALASKY HOMES INC	10/18/2022	10/25/2022	1/23/2023	issued
U-22-11364	u-p02		430896 U-USE OF/WORK IN ROW	DELIVERIES OF STONE		205 VIA TORTUGA	537697		MALASKY HOMES INC	9/27/2022	9/30/2022	12/29/2022	issued
U-22-11291	u-p02		430896 U-USE OF/WORK IN ROW	USE OF- CONCRETE POUR		205 VIA TORTUGA	537697		MALASKY HOMES INC	9/19/2022	9/20/2022	12/19/2022	issued
U-22-11109	u-p02		430896 U-USE OF/WORK IN ROW	CONCRETE POUR W/ PUMP SCHEDULED DATE 9/7		205 VIA TORTUGA	537697		MALASKY HOMES INC	9/1/2022	9/7/2022	12/6/2022	final
B-22-95660	b-r04		430896 R-PERMIT UPDATE-CHG OF PLANS & VALUE/CORRECTION	PERMIT UPDATE CHANGE IN PLANS AND VALUE: PROVIDE FIRE SPRINKLER TO NEW 2 STORY RESIDENCE.		205 VIA TORTUGA	601222		BROTHERS FIRE PROTECTION INC	7/21/2022	8/2/2022	1/29/2023	final
B-22-95574	b-m01		M-MECHANICAL	(SEE PERMIT CONDITIONS) WINE CELLAR REFRIGERATION		205 VIA TORTUGA	606477		DOUBLE O REFRIGERATION INC	7/15/2022	9/2/2022	4/3/2023	issued
F-22-03595	f-f01		430896 F-FIRE RESCUE STANDARD	FLOW TEST HYDRANT		205 VIA TORTUGA	601222		BROTHERS FIRE PROTECTION INC	7/7/2022	7/12/2022	7/7/2022	final
A-22-02281	a-a01		430896 A-ARCOM STAFF APPROVAL	ARCOM- LANDSCAPE REVISIONS- ADDITIONAL LANDSCAPE TO SCREEN BUFFERS AND PROVIDE PRIVACY. ADDED BRAZILIAN BEAUTY LEAF TREES ON NORTH SIDE, ADDED 3 MORE GREEN BUTTWOOD, CHANGED PERIMETER HEDGE TO SMALL LEAF CLUSEA		205 VIA TORTUGA	605973		AGT LAND PA	4/11/2022	4/22/2022	4/6/2023	final
U-22-09584	u-p02		430896 U-USE OF/WORK IN ROW	USE OF ROW FOR DELIVERY OF ROOF TIME		205 VIA TORTUGA	600026		MICHAEL KEVIN WALSH ROOFING INC	3/25/2022	3/31/2022	6/29/2022	issued
B-22-93491	b-r01		430896 R-REVISION	REVISION- BUILDING- ROOF TRUSS REPAIRS.		205 VIA TORTUGA	537697		MALASKY HOMES INC	3/2/2022		3/2/2022	pending
B-22-93030	b-r01		430896 R-REVISION	REVISION- BUILDING WINDOW & ROOFING NOA'S		205 VIA TORTUGA	537697		MALASKY HOMES INC	1/25/2022	1/27/2022	1/25/2022	final
B-22-92886	b-r01		430896 R-REVISION	REVISION BUILDING - TRUSS DRAWINGS		205 VIA TORTUGA	537697		MALASKY HOMES INC	1/20/2022	1/24/2022	1/20/2022	final
U-21-08578	u-p01		430896 U-DEWATERING	DEWATERING		205 VIA TORTUGA	537697		MALASKY HOMES INC	10/15/2021	10/21/2021	12/20/2021	final
B-21-91200	b-r01		430896 R-REVISION	REVISION- OTHER - POOL REVISION.		205 VIA TORTUGA	537697		MALASKY HOMES INC	9/16/2021	10/1/2021	9/16/2021	final
B-21-89540	b-r01		429118 R-REVISION	REVISION OTHER - SITE WALL / DRAINAGE MOVED DRAINAGE PIPES OUT OF LANDSCAPE EASEMENT		205 VIA TORTUGA	537697		MALASKY HOMES INC	6/9/2021	6/23/2021	6/9/2021	final
A-21-01672	a-a01		430896 A-ARCOM STAFF APPROVAL	ARCOM- TREE REMOVAL OF DISEASED FICUS TREES, GENERATOR LOCATION AND SCREENING, LANDSCAPE REVISIONS DUE TO TREE REMOVAL AND GENERATOR LOCATION.		205 VIA TORTUGA	605973		AGT LAND PA	5/14/2021	5/21/2021	5/9/2022	final
B-21-89019	b-e01		E-ELECTRICAL	INSTALL TEMP POLE FOR CONSTRUCTION		205 VIA TORTUGA	603735		RAZORBACK ELECTRIC INC	5/14/2021	5/21/2021	6/15/2024	issued
U-21-07359	u-p02		U-USE OF/WORK IN ROW	CLOSE SIDEWALK-RELOCATE (7) 30"FT ARECA PALMS		205 VIA TORTUGA	604457		GREENSCAPE DESIGN INC	5/13/2021	5/24/2021	8/22/2021	final
A-21-01602	a-a01		A-ARCOM STAFF APPROVAL	REPLACEMENT/SIDE OF WINDOWS		205 VIA TORTUGA	601454		SMITH AND MOORE ARCHITECTS INC	4/16/2021		4/11/2022	final
B-21-88002	b-b01		B-RESIDENTIAL NEW CONSTRUCTION/ADDITION	CONSTRUCTION OF NEW RESIDENCE AND SWIMMING POOL		205 VIA TORTUGA	537697		MALASKY HOMES INC	3/22/2021	6/11/2021	6/17/2024	issued
B-21-88003	b-f01		430896 F-FLOOD PLAIN DEVELOPMENT	FLOOD PLAIN DEVELOPMENT		205 VIA TORTUGA	537697		MALASKY HOMES INC	3/22/2021	6/11/2021	12/8/2021	issued
B-21-87208	b-b13		430896 B-FOUNDATION ONLY	FOUNDATION		205 VIA TORTUGA	537697		MALASKY HOMES INC	1/13/2021	2/5/2021	8/17/2022	final
B-21-87209	b-s11		430896 S-SITE WORK/DRAINAGE	SUB-DRAINAGE		205 VIA TORTUGA	537697		MALASKY HOMES INC	1/13/2021	2/5/2021	8/10/2022	issued
F-20-03574	f-f01		F-FIRE RESCUE STANDARD	FLOW HYDRANT TEST		205 VIA TORTUGA	601222		BROTHERS FIRE PROTECTION INC	11/25/2020	12/1/2020	11/26/2021	final
B-20-86422	b-d02		D-DEMOLITION	TOTAL DEMOLITION OF SINGLE FAMILY RESIDENCE		205 VIA TORTUGA	601031		THE BG GROUP LLC	10/26/2020	11/5/2020	8/23/2021	final
U-20-06342	u-p02		427246 U-USE OF/WORK IN ROW	USE OF- UNLOAD EXCAVATOR FOR DEMO OWNER LISTED AS 205 VIA TORTUGA LLC		205 VIA TORTUGA	601031		THE BG GROUP LLC	10/26/2020	11/12/2020	2/10/2021	canceled
B-20-86110	b-p01		P-PLUMBING	WATER CAP OFF FOR DEMO		205 VIA TORTUGA	604015		MAINSTREAM PLUMBING INC	10/5/2020	10/7/2020	4/27/2021	final
U-20-06155	u-p07		426467 U-SEWER/DRAINAGE - CAP-OFF/CONNECTION	SEWER CAP OFF FOR DEMO		205 VIA TORTUGA	604015		MAINSTREAM PLUMBING INC	10/5/2020	10/14/2020	1/12/2021	issued
Z-19-00197	z-01		Z-DEVELOPMENT REVIEW PERMIT	Special Exception with Site Plan Review to allow the construction of a new 13,523 square foot, two story single family residence on a lot that is 77 feet in width in lieu of the 100 foot minimum required R-B Zoning District. The following variance is being requested in conjunction with this application: 1) Allow the pool cabana to be separated from the main house by 19.25 feet in lieu of the 25 foot minimum separation required		205 VIA TORTUGA	602091		KOCHMAN AND ZISKA	4/5/2019		3/30/2020	pending
X-08-33655	legacy		X-LEGACY PERMIT	TENT PERMIT:INST. 2/1/08;USE 2/3/07;REMOVE 2/4/08 SIZE (1) 25X60.COLOR WHITE .60 GSTS.NO DECORAIONS*		205 VIA TORTUGA	601610		TENTLOGIX INC	1/29/2008	1/29/2008	10/2/2008	final

Count: 37

Filter is Empty

Property Detail			
Parcel Control Number:	50-43-43-14-29-000-0180	Location Address:	205 VIA TORTUGA
Owners:	205 VIA TORTUGA LLC		
Mailing Address:	1300 N FLORIDA MANGO RD STE 15,WEST PALM BEACH FL 33409		
Last Sale:	OCT-2020	Book/Page#:	31851 / 1876
Property Use Code:	0000 - VACANT	Zoning:	R-B - LOW DENSITY RESIDENTIAL (50-PALM BEACH)
Legal Description:	PHIPPS ESTATES LT 18 & PT OF PAR H LYG N OF & ADJ TO	Total SF:	0
		Acres	0.8250

2023 Values (Current)		2023 Taxes	
Improvement Value	\$0	Ad Valorem	\$186,654
Land Value	\$17,249,310	Non Ad Valorem	\$0
Total Market Value	\$17,249,310	Total Tax	\$186,654
Assessed Value	\$8,798,309	2023 Qualified Exemptions	
Exemption Amount	\$0	No Details Found	
Taxable Value	\$8,798,309	Applicants	
All values are as of January 1st each year.		No Details Found	

Building Footprint (Building 0)	Subarea and Square Footage (Building 0)		
<div>No Image Found</div>	Description	Area	Sq. Footage
	Extra Features		
	Description	Year Built	Unit
	No Extra Feature Available		

Structural Details (Building 0)	MAP
Description	