



Broward County

Board of Rules and Appeals

955 S. Federal Highway, Suite 401, Fort Lauderdale Florida, 33316

Phone: (954) 765-4500 Fax: (954) 765-4504

www.broward.org/codeappeals

BOARD OF RULES AND APPEALS

Thursday, January 13, 2005

MINUTES

CALL TO ORDER

A published meeting of the Board of Rules and Appeals was called to order by its Chairman, Mr. Synalovski at 7:00 p.m.

ROLL CALL

Present

M. Synalovski, Chairman
A. Kozich, Vice-Chairman
W. Flett
S. Giles
A. Korelishn
D. Lavrich (Arrived at 7:11 pm)
P. London
R. Madge
W. Norkunas
R. Smith
J. Somers
B. Van Kirk (Arrived at 7:11 pm)
G. Waldrep
H. Zibman

APPROVAL OF MINUTES – September 9, 2004

Mr. Kozich MOVED and the motion was duly seconded by Mr. Korelishn to approve the minutes of the November 14th 2004 Board meeting.

MOTION CARRIED UNANIMOUS

Introduction of New Employee-

Mr. DiPietro, Administrative Director, introduced Mrs. Ruth Boselli to the Board Members, who was recently hired as Board Technician I. It was noted that Ruth was the 1st choice of some 102 candidates, that a selection panel and testing were utilized and that her previous position was that of Executive Director for the Plumbing Contractors Association.

Announcement:

Chairman Mr. Synalovski explained that the Board would utilize two packets of information, one the Agenda for the cancelled December meeting and the second an updated supplemental agenda package.

CONSENT AGENDA

1. Certifications

William R. Pendegar, Chief Plumbing Inspector, City of Lauderdale Lakes
Edward Wanamaker, Electrical Inspector, City of Pompano Beach
Eric Bonny, Electrical Plans Examiner, City of Hallandale Beach
Edward V. Chmely, Jr., Electrical Inspector, Ft. Lauderdale
Paul D. Wise, Assist. Building Official, Parkland
Waguih Z. Messiha, Assist. Building Official, Deerfield Beach
Mohammed A. Malik, Structural Plans Examiner, Ft. Lauderdale
Andrew Hardesty, Fire Inspector, North Lauderdale
William R. Kern, Fire Inspector, Pompano Beach

Mr. Rusty Carroll presented Item #1 to the Board, a motion to accept these certifications was presented by Mr. Kozich and duly seconded by Mr. Korelishn and the motion carried.

MOTION CARRIED UNANIMOUS

Charles F. Loy, Structural Inspector, Sunrise

Mr. Carroll informed the Board about the case of Mr. Loy, who currently holds a Certified Building Contractors license (which under section 103.5.3.3) allows him to work for 18 months and then he must obtain a Certified General Contractors license. In addition Mr. Loy may only perform inspections within the scope of his license.

Another motion was presented by Mr. Madge and seconded by Mr. Waldrep to proceed with certification of Mr. Loy.

MOTION CARRIED UNANIMOUS

REGULAR AGENDA

1A. Certifications

Professional Courtesy Review requested by Abdul Cumber, P.E.

Chairman Mr. Synalovski introduced the Item and it was the consensus of the Committee to defer it to the next month agenda, due to the absence of Mr. Abdul cumber, P.E.

2. Appeals

- a. **Appeal #04-14 – Caproc Third Avenue**, Project Location: 101 N.E. Third Avenue, Fort Lauderdale, FL 33301

Mr. Bob Andrews, Board of Rules and Appeals Mechanical Code Compliance Officer, addressed the Board and proceeded to give his report on Appeal #04-14. Mr. Andrews informed the Board of said appeal, which had been presented during the November meeting and tabled to the next Board meeting. Mr. Andrews then met with the appellant and the City of Fort Lauderdale Officials, at which time all parties came to an agreement detailed in a letter from Mr. Richard B. Warren dated November 16th, 2004.

Mr. Richard B. Warren from Kelley & Warren, P.A. in representation of Caproc Third Ave, LLC, owner of Tower 101, made a presentation of the item to the Board, confirming the idea that the parties had been in agreement about a procedure to follow for testing the smoke control system for Tower 101, as detailed in the agenda packet. Mr. Warren expressed his disappointment after the response from the city was the denial of this agreement on behalf of the city. He also informed the Chairman of his intention to resolve this issue during the meeting.

On behalf of the City of Fort Lauderdale, Mr. John Heller Interim Building Official was present; however Mr. George Stavrou, Chief Mechanical Inspector, could not attend the meeting.

Mr. Heller reported that when the agreement was received at the City offices, Mr. Stavrou did not agree with the proposed procedures, since too many variables were present.

Chairman Mr. Synalovski, referred to Mr. Andrews who recommended the approval based on the agreement. Board Member, Mr. Zibman recommended an independent testing balance to perform the controls. Mr. Bill Carroll P. A. M., the Property management manager for the Building owner, he confirmed that the testing and balance report would be performed by an independent testing and balance company and certified by the engineer on record .

There was a lengthy discussion about all aspects of the Agenda item.

Mr. Norkunas MOVED, and the motion was duly seconded by Mr. Kozich, to approve the appeal with the stipulation that the testing and balance report would be performed by an independent testing and balance company and certified by the engineer on record. A roll call followed with a vote of thirteen (13) to zero (0) to approve the appeal.

MOTION CARRIED

Affirmative votes: M. Synalovski, A. Kozich, W. Flett, S. Giles, A. Korelishn, D. Lavrich, P. London, R. Madge, W. Norkunas, R. Smith, B. Van Kirk, G. Waldrep, H. Zibman

Negative votes: none

b. **Appeal #04-15 – Bruce W. Peek**, Project Location: 1217 Avocado Isle Ft. Lauderdale, FL 33315

Chairman Mr. Synalovski, requested Mr. Bob Andrews, to present the appeal, which was included in the December Agenda package. Mr. Andrews proceeded to introduce the item, which involved a single family house with an attached garage. He cited the Florida Building Code requirements for garage ventilation, either 100 cfm per vehicle of mechanical ventilation or a natural ventilation opening to outdoors. The code also allows windows and doors to be used as natural ventilation. The appellant requested that the garage door be deemed to comply with the code requirement for natural ventilation. In Mr. Andrews opinion, an operable door satisfies this code requirement as expressed by the State Florida Building Commission. Mr. George Stavrou did not agree with this situation and has recommended the use of an alternate method.

Mr. Kozich MOVED, and the motion was duly seconded by Mr. Korelishn to approve the appeal #15-04 as recommended by the staff. There was a roll call vote of thirteen (13) to zero (0) to approve the motion.

MOTION CARRIED

Affirmative votes: M. Synalovski, A. Kozich, W. Flett, S. Giles, A. Korelishn, D. Lavrich, P. London, R. Madge, W. Norkunas, R. Smith, B. Van Kirk, G. Waldrep, H. Zibman

Negative votes: none

After the motion the Chairman, Mr. Synalovski requested that a notice of about the Board's ruling and related decisions of the Florida Building Commission be sent to all building officials. Mr. DiPietro responded that a mailing would be sent.

c. **Appeal #04-16 – De Rose Design Consultants, Inc.**, Project Location: 470 S. Andrews Avenue, Ste. 206, Pompano Beach, FL 33069

d.

During the February 10, 2005 Board Meeting it was brought to the boards attention that the address stated for the appeal #04-16 was incorrect .A MOTION to modify the minutes from January 13, 2005 was called by Mr. Madge, and seconded by Mr. Zibman. The amend consisted of the Appeal # 04-16 whose correct project location address is 1950 Eisenhower Blvd. Ft Lauderdale, the address listed on the minutes corresponded to the appellant . THE MOTION PASSED UNANIMOUSLY.

Mr. Synalovski asked everyone to refer to Item 2.c in the January Agenda packet. Mr. Fennell, Plumbing Code Compliance Officer, presented the appeal which concerned an appellant request to allow a storm drainage structure to be installed beneath the footprints of a building. He stated that this case made reference to an interpretation of the code, the appeal came across during the Plumbing Technical Committee meeting, where the appellant suggested the code would allow a percolation system to be installed under any building. There was a lengthy discussion about the way the appeal was presented, about if the system was to be considered as an engineered system, and if the problem was referred to the system itself or the location of the system. After review of the plans and specification of the building and the storm drainage structure, (information that was not completely supplied during Plumbing Committee Meeting) these new parameters better explained this system and its performance as an engineered system. Mr. Smith requested the appellant should have the opportunity to clarify the situation.

Mr. Steve Bassett Mechanical Engineer from DeRosse Design Consultants, involved in the project explained the details on the design to the Board.

Mr. Larry DeRose from DeRose Design Consultants also made a presentation to the Board in reference to the characteristics of the type of drain to be used. Mr. Don Slavinsky, City of Fort Lauderdale Chief Plumbing Inspector, presented his concern to the board about the reference made in the Florida Plumbing Code Chapter 11 where it is recommended to move storm drainage away from buildings and not to store it under structures, he also mentioned there is no reference in the Materials Section, Chapter 7, about the Polypropylene chambers being installed under a structure, nor about concrete drain pipe. He also mentioned his concern about the location, too close to the Intercostal and the ocean, being a high risk for problems in the future. Chairman Mr. Synalovski asked about if other agencies had approved this installation or questioned it. Mr. DeRose replied that Department of Planning and Environmental Protection from Broward County, the South Florida Water Management District, the State Department of Environmental Protection as well as Port engineer staff had been notified and they did not object. A lengthy review about this drain system followed between the members of the Board and the appellant representatives.

Mr. Kozich MOVED, and the motion was duly seconded by Mr. Zibman to approve the appeal # 04-16. There was a roll call vote of nine (9) to four (4) to approve it and the MOTION CARRIED.

MOTION CARRIED

Affirmative votes: M. Synalovski, A. Kozich, W. Flett, S. Giles, D. Lavrich, P. London, B. Van Kirk, G. Waldrep, H. Zibman

Negative votes: R. Madge, A. Korelishn, W. Norkunas, R. Smith

After the motion carried, Mr. Smith proposed to add as a clarification, that the approval to this appeal would only be referred to this particular building site based on the appeal also Mr. Smith questioned due to the location of this system if the regulating authority now became the cities Building Department. No discussion followed.

- d. **Appeal #04-17** – Michael Sands, Architect. Project Location: 5101 NW 21st Avenue, Ste. 360, Ft. Lauderdale, FL 33309

The Chairman of the Board, Mr. Sinalovski, announced that the item above was to be withdrawn.

3. Amendments to Broward County Administrative Provisions of the Florida Building Code

Mr. Chairman M. Sinalovski introduced requested staff member Mr. Rusty Carroll, Structural Code Compliance Officer, to present the Item.

101.4.2.6 Relating to Temporary Sets, subsection 101.4.2 entitled Building.

Mr. Carroll stated that the history of the Item was researched and that the paragraph in question came from an entirely different section of the Florida Building Code. As a result staff recommended the deletion of this paragraph.

Mr. Zibman MOVED and the motion was duly seconded by Mr. Flett to approve the deletion of last paragraph in section 101.4.2.6. There was a roll call vote of thirteen (13) to zero (0) to approve and the motion carried.

MOTION CARRIED

Affirmative votes: M. Sinalovski, A. Kozich, W. Flett, S. Giles, A. Korelishn, D. Lavrich, P. London, R. Madge, W. Norkunas, R. Smith, B. Van Kirk, G. Waldrep, H. Zibman

Negative votes: none

A suggestion was presented by Mr. Zibman to introduce the next amendments and to vote them all at once in one single motion; the suggestion was accepted by the Chairman.

103.14.3 Certification of Chief Plumbing Inspector or Plumbing Plans Examiner. Glitch Bill change is proposed to be consistent with prior code book printings of this section.

Mr. K. Fennell introduced the next case and explained that all the sections of the code that referred to the Plans examiner requirements for Plumbing, Mechanical and Electrical have always been the same; the Structural requirements are different due to the High Velocity Wind Zone. A difference between the Mechanical, Electrical and Plumbing was found, this Glitch was referred to Mr. DiPietro to include this item in the Agenda.

103.17 Recertification, increasing continuing educational contact hours from 24 to 32 starting for the period of January 1, 2006 – December 31, 2007.

Mr. DiPietro presented the amendment located in page 124 of the December Agenda Package, where the intent was to match the number of the Education Contact Hours (16) with the Dade County required amount of hours per year. Mr. DiPietro remarked the importance of increasing the hours and the importance of the Education programs.

105.14 Inspections, Building Safety Inspection Program.

Mr. Rusty Carroll introduced the amendment detailed in page 125 of the December Agenda and Broward County Board of Rules & Appeals, Board Meeting - Thursday, January 13, 2005

recommended the adoption of the proposed change , to mandate Safety inspections on over 40 years old buildings to comply with the current code, as it existed in the prior South Florida Building Code and was inadvertently left out of the new Florida building Code. Mr. Kozich agreed with this amendment. Mr. Smith questioned if all cities have the resource to update safety to old buildings. Discussion followed about the jurisdiction and implementation about the Inspection of Safety for Buildings and Structures of over 40 years old.

The Chairman agreed to include this amendment in the bundle for the motion.

101.3.3.1(a) Disposal of rainwater or other liquid wastes causing a nuisance. A new subsection to existing code section 101.3.3.1

Last amendment located in the new book for January meeting. Mr. Fennell presented it, and informed that the item had been presented previously to the Board by the Plumbing Technical Committee, now with new verbiage added a new request was presented to the board.

Mr. Kozich questioned if the proposed change belonged to our administrative section, being more a plumbing issue.

Due to the characteristics of the amendment, Mr. Kozich requested to remove this amendment from the bundle to vote all at once, as well it was requested by Mr. Flett to move to 103.17 to vote separately.

Mr. Kozich MOVED and the motion was duly seconded by Mr. Lavrich to approve under Item # 3 changes in code sections numbered as follows: 101.4.2.6, 103.14.3 and 105.14; being the effective date February 14th 2005.

There was a roll call vote of thirteen (13) to zero (0) to approve and the MOTION CARRIED.

MOTION CARRIED

Affirmative votes: M. Synalovski, A. Kozich, W. Flett, S. Giles, A. Korelishn, D. Lavrich, P. London, R. Madge, W. Norkunas, R. Smith, B. Van Kirk , G. Waldrep, H. Zibman

Negative votes: none

Mr. Kozich MOVED and the motion was duly seconded by Mr. Korelishn to approve changes in code sections number 103.17, also under Item # 3

There was a roll call vote of twelve (12) to one (1) to approve the motion and the MOTION CARRIED.

MOTION CARRIED

Affirmative votes: M. Synalovski, A. Kozich, S. Giles, A. Korelishn, D. Lavrich, P. London, R. Madge, W. Norkunas, R. Smith, B. Van Kirk , G. Waldrep, H. Zibman

Negative votes: W. Flett,

Mr. Kozich MOVED and the motion was duly seconded by Mr. Zibman to approve under Item # 3 changes in code sections number 101.3.3.1(a) (Last item in section 3) with the exception of changing to 1 inch per hour. The second to this motion was withdrawn and the motion died.

After discussion about the wording of the Exception to be left as stated at 4 inches, Mr. Zibman **MOVED** and the motion to accept the change to section 101.3.3.1(a) was duly seconded by Mr. Madge. There was a roll call vote of ten (10) to three (3) to approve the motion and the **MOTION CARRIED**.

MOTION CARRIED

Affirmative votes: M. Synalovski, ,
W. Flett, A. Korelishn,D. Lavrich ,
R. Madge,W. Norkunas,R. Smith,,B.
Van Kirk ,G. Waldrep,H. Zibman

Negative votes: S. Giles, A. Kozich,
P. London

A 10 minutes break was announced by the chairman Mr. Synalovski.

3. Renewal of Board of Rules and Appeals Legal Counsel Contract

This Item was presented to the Board by Mr. DiPietro Administrative Director, who noted that there was revised information provided in the supplemental agenda packet, and recommended the renewal of Mr. Ziegler's contract for the period of January 1, 2005 through December 31, 2006. Mr. DiPietro stated the hourly rate increase average among 4.4% to 4.7% each year.

Mr. Zibman MOVED and the motion was duly seconded by Mr. Korelishn to approve Item #4. There was a roll call vote of thirteen (13) to zero (0) to approve the motion.

MOTION CARRIED

Affirmative votes: M. Synalovski,
A. Kozich, W. Flett, S. Giles,A.
Korelishn,D. Lavrich, P. London, R.
Madge,W. Norkunas,R. Smith,,B.
Van Kirk ,G. Waldrep,H. Zibman

Negative votes: none.

5. Representation on the Board of Rules and Appeals Standing Committees and Appointment Guidelines, proposed Board Policy #05-01

Item was introduced by Mr. DiPietro, who explained that there was a 20 years old policy establishing the number of seats for each committee and offered reasons for some of the proposal changes. He also stated some technical modification to the documentation of the agenda packet. Mr. Kozich explained some of the ethics guidelines that were then reviewed and discussed by the Board members.

Mr. Kozich MOVED and the motion was duly seconded by Mr. Lavrich to approve Item #5, with the change that when the term "Board Members" is used, it will include "alternates". There was a roll call vote of thirteen (13) to zero (0) to approve the motion as amended.

MOTION CARRIED

Affirmative votes: M. Synalovski, A. Kozich, W. Flett, S. Giles, A. Korelishn, D. Lavrich, P. London, R. Madge, W. Norkunas, R. Smith, B. Van Kirk, G. Waldrep, H. Zibman

Negative votes: none.

6. Establishment of Pricing Formulas for the Sale of the 2004 Florida Building Code (Code effective July 1, 2005) and 2004 Florida Fire Prevention Code (code effective January 1, 2005).

At the request of the Chairman to keep the report brief, the Item was introduced by Mr. DiPietro, who recommended that the Board sell Building Code Books at cost, due to the high prices charged by the Code Company. This would save to the community about \$15,000.00 in the first year as compared to the price offered by the state of Florida. The old Broward South Florida Building Code used to sell for \$38.00 the New Florida Building Code set will cost about \$193.00.

Mr. Kozich MOVED and the motion was duly seconded by Mr. Korelishn to approve Item #6. There was a roll call vote of twelve (12) to one (1) to approve the motion and the MOTION CARRIED.

MOTION CARRIED

Affirmative votes: M. Synalovski, A. Kozich, W. Flett, S. Giles, A. Korelishn, D. Lavrich, P. London, R. Madge, W. Norkunas, B. Van Kirk, G. Waldrep, H. Zibman

Negative votes: R. Smith.

7. Director's Report

Car Pool item was resolved therefore it was not listed as an agenda item.

General Discussion

Mr. Ziegler, Board Attorney, informed to the Board the positive outcome on the Court revoked the approval of appeal of Cooper City Roof leak.

Mr. Lavrich thanked the Board of Rules and Appeals for the Plaque that was offered in appreciation to the Florida Structural Engineers Association .

Mr. Kozich suggested and the Chairman agreed to discuss during the next meeting the review in Schedule Inspections for Buildings over 40 years old.

Mr. Smith informed the members of the Committee he was taking Management classes Broward County Board of Rules & Appeals, Board Meeting - Thursday, January 13, 2005

which were interfering with his schedule and availability to perform duties related with substituting during Board Meetings.

8. Election of 2005 Board Chairman and Vice-Chairman

Item was introduced by the Chairman Mr. Synalovski, he entertained a nomination for next cycle chairman, nominating Mr. Kozich to be elected to Chair the Board.

Since no negative votes were presented and the nomination was accepted by Mr. Kozich, the election was approved by a vote of Acclamation.

For Vice Chair Mr. Madge nominated Ms. Shalanda Giles, this nomination was seconded by Mr. Lavrich; Ms. Giles thanked the Board for the nomination and accepted it. Ms. Giles nomination was approved by a vote of Acclamation.

9. Passing of the Gavel

Mr. Kozich presented a plaque to Mr. Synalovsky in appreciation for his performance as Chair of the Board of Rules and Appeals during the year 2004, and passed the Gavel.

10. Adjournment

There being no further business to come before the Board this evening, the meeting was adjourned at 9:57 p.m.