



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 MEETING Thursday, February 9, 2006

MINUTES

CALL TO ORDER

At 7:15 the Chair, called to order a published meeting of the Board of Rules and Appeals.

ROLL CALL

Present

S. Giles, Chair
P. London, Vice Chair
G. Elzweig
W.Flett

A.Korelishn
A. Kozich
D. Lavrich
J. Smith
J. Somers

D. Zimmer
B.VanKirk

The presence of a quorum was announced.

APPROVAL OF MINUTES –

**Mr. Kozich MOVED the motion to approve the December 8, 2005 Board meeting minutes.
Mr. Korelishn seconded and the MOTION PASSED UNANIMOUSLY.**

CONSENT AGENDA

1. Certifications

Broward County

Roman Sanchez,
Mechanical Inspector
Steven Busick, Electrical
Inspector

Ft. Lauderdale

Glen Osborn, Assistant
Building Official
Bruce W. Andres,
Assistant Building
Official
Harry Y. Colton,
Structural Plans
Examiner

Lauderdale Lakes

Frederick D. Hoffman,
Plumbing Plans Examiner

Lauderhill

Juan A. Gomes, Structural
Chief/Plans
Examiner/Inspector (CSA)
Ernesto Sedano, Structural
Plans Examiner/Inspector
(CSA)

Margate

John Morrell, Structural Chief
Inspector

Parkland

Bob Lee Lizano, Structural
Inspector

Pembroke Park

Edward Babik, Structural
Chief

Weston

Anthony J. Belmont, Electrical
Plans Examiner

REGULAR AGENDA

2. Appeal #06-02 – Gregory D. and Gila L. Kimmelman Project Location: 1208 Ponce De Leon Drive, Fort Lauderdale, Florida 33316.

Bill Dumbaugh, Chief Structural Code Compliance Officer, addressed the Board in regards to Appeal #06-02. Mr. Dumbaugh stated he was not in agreement with appeal #06-02 coming before this Board, because he was on his way out of town and with the new shortened time cycle he was forced to write his response prior to receiving the response from the City of Fort Lauderdale.

Mr. Dumbaugh informed the Board of his interpretation of this appeal: This appeal is based on an unvented attic system, (such systems became part of the Florida Building Code towards the end of 2005). This job was permitted under Florida Building Code 2001. The appellant requested to install an unvented conditioned attic space in a single-family residence with a standing seam metal roof. Under the Florida Building Code, Residential R.4409.13.3.2.5: allows the use of an unvented attic space under three (3) specific conditions.

1. No interior vapor retarders are installed on the ceiling side (attic floor) of the unvented attic assembly.
2. An air-impermeable insulation is applied in direct contact with the underside/interior of the structural roof deck. "Air-impermeable" shall be defined by ASTM E 283.
3. Shingles shall be installed as shown:
 - a. For asphalt roofing shingles: A1-perm (57.4 mg/s • Pa) or less vapor retarder (determined using Procedure B of ASTM E 96) is placed to the exterior of the structural roof deck; i.e. just above the roof structural sheathing.
 - b. For wood shingles and shakes : A minimum continuous ¼ inch (6mm) vented air space separates the shingles / shakes and the roofing felt placed over the structural sheathing.

Mr. Dumbaugh stated it was staff's opinion that it is not the intent of this code to permit the use of an unvented conditioned attic space with any roofing system except asphalt shingles and wood shakes/shingles; based on the requirements so specific in section R4409.13.3.2.5 for asphalt shingles and wood shakes/shingles and no specific requirements for other roofing systems such as standing seam roofing, built up roofing or single ply roofing

The appellant, Mr. Gregory D. Kimmelman, addressed the Board and stated his position on aforementioned appeal. Mr. Kimmelman stated in his understanding the code allows the use of the unvented conditioned attic spaces utilizing an air impermeable insulation applied to the underside/interior of the structural roof deck. Mr. Kimmelman informed the Board of his desired results to have the Board approve this appeal and allow him to utilize the air impermeable insulation applied to underside/interior of the structural roof deck.

Mr. Curtis Craig, Building Official, City of Fort Lauderdale, addressed the Board. Mr. Craig stated that he did not approve the appellants request because it was his conclusion that the appellant could not use an unvented conditioned attic with a standing seam roof.

The Board discussed this appeal and questioned staff and the appellant as necessary.

Mr. Elzweig **MOVED** to approve the appeal in favor of the appellant to use the alternative method indicated as "ICYNENE" spray formula for this appeal only. Mr. Kozich duly seconded and the **MOTION CARRIED UNANIMOUSLY.**

MOTION CARRIED (Eleven (11) to Zero (0))

Affirmative votes: G. Elzweig, W. Flett, S. Giles, A. Korelishn, A. Kozich, D. Lavrich, P. London, J. Smith, J. Somers, B. Van Kirk, and D. Zimmer.

Negative votes: None.

3. Rick Klosiewicz

Rick Klosiewicz, General Contractor, A-C Construction Co., sent a memo dated February 1, 2006 to Board of Rules and Appeals Administrative Director, James DiPietro, and requested to speak before the Board at this meeting. Mr. Klosiewicz expressed his concern to the Board in regards to State Statute 71-575, section 4(b) and how said Statute affected him in regards to a position offered to him by Mr. Bob Clarke, Building Official, Lauderdale Lakes. (This was a presentation by Mr. Klosiewicz and no motion was necessary).

4. Formal Interpretation- Retrofit of Windows, Doors, Garage Doors, Shutters and Skylights

Mr. Bill Dumbaugh informed the Board that the Board's Structural Committee met on January 18, 2006 to review the Formal Interpretation: Retrofit of Windows, Doors, Garage Doors, Shutters and Skylights. The committee added garage doors to the release, and because the tables referenced in the previous Formal Interpretation did not apply to garage doors. Therefore, staff recommended the addition of Table 1609.6E, Florida Building Code.

Mr. Elzweig **MOVED** to approve the Formal Interpretation with the correction Florida Registered Engineer to Florida Professional Engineer. Mr. Kozich duly seconded and the **MOTION CARRIED UNANIMOUSLY.**

5. Temporary Suspension of Certification Requirements with Respect to Roofing Inspections and Authorizing a State Licensed Architect, Engineer or Roofing Inspector to Perform Roofing Inspections through August 31, 2006.

Board of Rules and Appeals' member Bill Flett addressed the Board. Mr. Flett explained that cities are currently experiencing a large number of roofing permits/inspections and many municipalities are having difficulty in providing timely inspections. Mr. Flett proposed the following two options:

Option One:

A Board vote to request the Chairman to suspend the Board of Rules and Appeals Certification Requirements with respect to roofing and allow the use of a licensed Architect, Engineer or State Licensed Roofing Inspector.

Option Two:

A Board vote informing Building Officials that Roofing Inspections may be performed by a Special Inspector.

The Board Chair, Shalanda Giles, requested a point of clarification, as to the issues/details pertaining to this item and Mr. Flett informed the Board, currently it could take up to seven days to perform a roofing inspection; and that it was his understanding and interpretation that the roofing contractor can hire his own licensed Engineer, Architect, or Certified Roofing Inspector to perform the inspection.

Board member Allan A. Kozich, P.E., stated that the current process has the inspector contact the city where they are going to do the inspection. The Board briefly discussed the issue of conflict of interest and its role in the certification process. Board member Gary Elzweig stated that this issue highlights a problem that there is in the Broward County Administrative Code. Mr. Elzweig further stated that in any part of the State of Florida you can do what Mr. Flett has proposed, without having to rescind anything; because a Building Official has the authority to accept an affidavit from a licensed Architect or Engineer, but the Board carved this section out of the Administrative code. Lengthy debate of this issue ensued.

Administrative Director, James DiPietro, advised the Board of his interpretation of the proposed resolution; the private providers already have the authority through the private provider system, and it is the cities that need the relief allowing the Building Officials the flexibility to hire Architects, Engineers and or Roofing Inspectors. He further stated, the municipalities of Broward County have to meet higher standards in their hiring practices than many places in the state. The Board discussed at length who would be doing the hiring of the proposed Architects, Engineers, and or Roofing Inspectors.

Mr. Kozich moved to accept the memo dated February 10, 2006, "Roofing Inspections" as written (on page 36 of this evenings Agenda packet) with the caveat that the Building Official will have the discretion to accept the Architect, Engineer, Roofing Inspector, or Structural Inspector to perform roofing inspections as stated in the memo. Mr. Elzweig duly seconded and discussion ensued, resulting in Mr. Kozich rescinding his motion.

Mr. Elzweig made a motion that the Board of Rules and Appeals relax the requirements during the specified date of August 31, 2006, to allow Building Departments to hire Architects, Engineers Structural Inspectors, and Roofing Inspectors to perform Roof Inspections associated with Hurricane Wilma damage; In addition the Board will allow the Building Official the discretion to accept the affidavit from the Professional Engineer, Architect, Structural Inspector, Roofing Inspector, or General Contractor working for a Roofing Contractor or a fee owner to provide those type of inspections, specifically for Hurricane Wilma damage.

Mr. Lavrich asked Russell White, Board Attorney if the Board had the authority to do what is in the second portion of Mr. Elzweig's most recent motion, and Mr. White stated he would research the item.

Mr. Somers **MOVED** to table this item until the next agenda where council could render his extensive legal opinion as to our legal rights in this area. No second to Mr. Somers motion is necessary because he moved to table the item.

**MOTION CARRIED UNANIMOUSLY
(Eleven (11) to zero (0))**

Affirmative votes: G. Elzweig, W. Flett, S. Giles, A. Korelishn, A. Kozich, D. Lavrich, P. London, J. Smith, J. Somers, B. Van Kirk, and D. Zimmer.

5. Printing of 2005 Florida Building Code Revisions

The Board of Rules and Appeals Administrative Director, James DiPietro recommended that the Board of Rules and Appeals authorize by vote the printing and distribution to our customers of the 2005 Revisions to the 2004 Florida Building Code at an initial cost of \$8,532 for printing, \$200 for a one time International Code Council agreement charge, for a total of \$8,732 plus the cost of mailing.

Mr. Elzweig **MOVED** to approve the printing of the 2005 Florida Building Code Revisions. Mr.

Kozich duly seconded and the **MOTION CARRIED UNANIMOUSLY.**

MOTION CARRIED (Eleven (11) to Zero (0))

Affirmative votes: G. Elzweig, W. Flett, S. Giles, A. Korelishn, A. Kozich, D. Lavrich, P. London, J. Smith, J. Somers, B. Van Kirk, and D. Zimmer.

Negative votes: None.

6. Discussion Concerning Municipal Ordinances and Resolutions Relating to Emergency Generators in High Rises, and Requirements for Electrical Connections at Gas Stations for Back up Electrical Power. Related discussion and action as may be determined.

Administrative Director, James DiPietro addressed the Board with a status report informing them of a number of municipalities reviewing and or passing municipal ordinances and resolutions relating to Emergency in high rises, and requirements for electrical connections at gas stations for back up electrical power.

7. Director's Report.

Administrative Director, James DiPietro, informed the Board of email where the State informed him of the effective date for the interim Florida Building Code Amendments. Mr. DiPietro formally requested the Board approve December 11, 2005 as the effective date of the interim Florida Building Code Amendments.

Mr. Kozich **MOVED** to approve the effective date of the December 11, 2005 as the effective date of the interim Florida Building Code amendments. Mr. Korelishn duly seconded and the **MOTION CARRIED UNANIMOUSLY.**

MOTION CARRIED (Eleven (11) to Zero (0))

Affirmative votes: G. Elzweig, W. Flett, S. Giles, A. Korelishn, A. Kozich, D. Lavrich, P. London, J. Smith, J. Somers, B. Van Kirk, and D. Zimmer.

Negative votes: None.

8. General Discussion

No discussion.

9. Adjournment

Meeting was adjourned at 8:48 pm.