



BROWARD COUNTY

BOARD OF RULES AND APPEALS

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BOARD OF RULES AND APPEALS

Thursday, November 10, 2005

MINUTES

CALL TO ORDER

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

ROLL CALL

Present

A. Kozich, Chairman
S. Giles
S. Kastner
A. Korelishn

D. Lavrich
P. London
B. Madge
D. Rice

J. Smith
J. Somers
H. Zibman

The presence of a quorum was announced.

APPROVAL OF MINUTES –

Please note: As a consequence of Hurricane Wilma the office was closed for two weeks therefore the Minutes of the October meeting were not included in the November Board Agenda.

REGULAR AGENDA

1. **Appeals Appeal #05-04 – FS Fletcher, Inc.**, Project Location: 1511 South Federal Highway, Fort Lauderdale, FL 33301

Robert G. Andrews, Chief Mechanical Code Compliance Officer, addressed the Board in regards to Appeal #05-04. Mr. Andrews stated the structure in question is a two story Public Safety Building housing the Fire and Police Department Substation. The Building is approximately 40 feet high, with the lower edge of the roof at approximately 26 feet above finished floor, and the slope of the roof is 4 in 12. The appeal involves the two roof mounted exhaust fans serving Type I Hoods commonly called grease hoods. Mr. Andrews referred to section 306.5 of the Florida Mechanical Code (FMC), which states “where equipment and appliances requiring access are installed on roofs or elevated structures at a height exceeding 16 feet (roof in question is 26 feet), such access shall be provided by a permanent approved means of access; this means of access shall be from grade or floor level to the equipment and appliance’s level service space.” Section 306.6 of the FMC requires a roof with a slope greater than 3 in 12 to have a level platform provided on each side of the appliance to which access is required by the manufacturer’s installation instructions for service, repair or maintenance; the platform shall not be less than 30 inches in any dimension and shall be provided with guards in accordance with Section 304.8 of the FMC; Section 308.8 gives you the design and construction requirements for the guards required by Section 306.6. Brief discussion ensued amongst Mr. Andrews and Board members. Mr. Andrews stated he was in agreement with Greg O’Hare, Chief Building Official of Hollywood, in that the alternate method proposed by the appellant did not meet the requirements of Section 103.23 of the Florida Building Code.

Mr. James Nolan, President, FS Fletcher and the Executive Vice President, United Trust Fund. FS Fletcher was the property owner and the developer of this project on behalf and in cooperation with the City of Hollywood, United Trust Fund was the developer. FS Fletcher is a non-profit Corporation established strictly for this project to insulate the City of Hollywood from any liability during the construction period of time and the City now owns the project. Mr. Nolan explained the history of the project and the design specifications of the roof of the structure. On behalf of the appellant, Mr. Mike

Flattery, Mechanical Engineer, CH2 addressed the Board with further information on this project. In a written statement, the Appellant requests that the Board consider the availability of a ground based mechanical lift for this structure be deemed an acceptable means of access and compliant under the code in view of: (1) the structure's limited height; (2) the slope and composition of the roof; (3) the practicality of service and ease of access from the ground; and (4) the safety provided by a mechanical lift. The Board discussed this issue at length with Mr. Nolan and Mr. Flattery.

Mr. O'Hare informed the Board of his decision to deny the Appellant's proposal for an alternate method due to the alternate method not meeting the requirements of the Florida Building Code. Ms. Sheila Oliver, Chief Mechanical Inspector for the City of Hollywood addressed the Board and informed them of the dates in which the City of Hollywood became involved with this project. The Board discussed this issue at length with the City of Hollywood representatives present. Board member, Mr. Hank Zibman, P.E. stated his opinion that alternate means usually assumes that such alternate be a part of the construction, not something remote that you have to rent and bring to the site and is not part of the project itself and Board discussion ensued.

Mr. Zibman **MOVED** to deny the proposed alternate method submitted by the appellant. Mr. Korelishn duly seconded and the **MOTION CARRIED UNANIMOUSLY.**

MOTION CARRIED (Ten (10) to One (1))

Affirmative votes: A.Kozich, S. Giles, S. Kastner, A. Korelishn, D. Lavrich, P. London, D. Rice, J. Smith, J. Somers, and H. Zibman

Negative votes: R. Madge

2. Guidance by Board of Rules and Appeals to lobbyists to State Legislature concerning standby generators at gas stations for backup electrical power for gas pumps. Related discussion and action as may be determined.

The Chair stated that he requested Mr. DiPietro put this item on the Agenda because of what happened in the aftermath of Hurricane Wilma. The Chair was informed by the Board Lobbyist, Mr. Smith, there has been two bills filed by Chris Smith, Fort Lauderdale, Senator Geller, Senator Atwater, in regards to the generator situation. One of the bills would require generators for new construction only and Senator Atwater's proposed bill is requesting it be retroactive for existing service facilities with a compliance deadline of December 2007. The Chair requests the Board give Mr. Smith direction on this matter. Lengthy discussion ensued amongst Board members. Mr. Zibman stated that many Senators and or Congressman are working on this issue, and it was his opinion that this issue was not the Board's purview, other Board members concurred with Mr. Zibman. After hearing this opinion voiced by Board members, the Chair decided to drop this issue at this particular juncture.

Director's Report

Administrative Director, James DiPietro, informed the Board of the faxes sent from his home, following Hurricane Wilma, to Broward County Building Officials in regards to the suspension of certification requirements for November 2005 and in regards to FPL reconnection of electrical services.

At the last Board meeting the Board requested Mr. DiPietro research the average number of random plan review performed by Board Engineer, A. Mark Scala. Mr. DiPietro informed the Board at an annual issuance of 10,000 permits less than 1/10 of 1% of which are being reviewed by the Board's Structural Engineer.

General Discussion

No discussion.

Adjournment: The meeting was adjourned at 8:04 p.m.