



BROWARD COUNTY
BOARD OF RULES AND APPEALS

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BOARD OF RULES AND APPEALS MEETING
Thursday, December 7, 2006

M I N U T E S

CALL TO ORDER

A published meeting of the Board of Rules and Appeals was called to order by its Chair Ms. Shalanda Giles, at 7:00 p.m.

ROLL CALL

Present

Giles, Chair
P. London, Vice Chair
A. Kozich
W. Flett
M. Elzweig

J.Sims
D.Rice
J. Shechter
J. Smith
H. Zibman

J. Zimmer
D. Lavrich
M. Synalovski

The presence of a quorum was announced.

APPROVAL OF MINUTES –

October 12, 2006 Board meeting minutes were **UNANIMOUSLY APPROVED BY MOTION.**

SWORN IN of attendees in the audience who were to speak.

New member Mr. John Sims was formally introduced to the Board members

CONSENT AGENDA

1. **Certifications.** *Approved unanimously by motion.*

REGULAR AGENDA

1.b **Certification of J. William Crews as Structural Inspector for the City of Plantation.** Mr. DiPietro presented the item to the members of the Board; he explained that instead of W2 Forms the applicant had submitted alternative information for the Agenda packet that provided evidence of his previous supervisory experience Mr. Crews and Mr. Sabouri Building Official of Plantation were present at the meeting to respond any questions.

Mr. Synalovski MOVED a Motion duly seconded to approve Mr. Crews Certification.

There was a Roll Call and the motion passed unanimously.

Affirmative Votes

Giles, Chair
P. London, Vice Chair
A. Kozich
W. Flett
M. Elzweig
J.Sims
D.Rice
J. Shechter
J. Smith
H. Zibman
J. Zimmer
D. Lavrich
M. Synalovski

Negative Vote:

None

Chair announced that to all appellants would be heard before any response from the board or staff.

2.a Appeal # 06-05 Project location: Custom Roofing Exterior LLC, 11717 Highland Place, Coral Springs. Mr. Rusty Carroll Structural Code Compliance Officer presented the appeal and recap about it to remind the Board about it, the characteristics of the self sealing material and its NOA approval. Manufacturer lack of approval as a self sealing material. Mr. Carroll cited the code section that stated that in the event of the manufacturer's specifications or instructions are in conflict with the NOA or product approval, product approval shall prevail. He also stated that the Staff recommendation as advised by Board Attorney Mr. Ziegler is to deny the appeal without prejudice.

Attorney Mr. William DiPetrillo spoke on behalf the appellant; he addressed the board and requested the approval of the appeal. He explained the roof in discussion is double glued and screwed and provided details about the roof safety. A separate insurance policy was granted to the home owner to protect the home from any possible leak.

Bob Hannon representing the City of Coral Springs, cited there was a conflict with the product approval and also remarked that in a case like this the Code prevails. **Mr. Elzweig MOVED and presented a motion stating that based on the testimony presented and the recommendation of the staff he recommended the dismissal of the appeal without prejudice. A Roll Call followed and motion passed unanimously.**

Affirmative Votes

Giles, Chair
P. London, Vice Chair
A. Kozich
W. Flett
M. Elzweig
J. Sims
D. Rice
J. Shechter
J. Smith
H. Zibman
J. Zimmer
D. Lavrich
M. Synalovski

Negative Vote:

None

2b. Appeal # 06-07 Project location: Allied Roofing and Sheet Metal Inc., 512 NE 10th Ave., Fort Lauderdale. Bill Dumbaugh presented the case to the Board: he explained that the case involves a contractor installing a standing seam metal roof on a single family residence. The system installed in accordance with the NOA that was submitted for the permit but, underneath the approved system the contractor applied a layer of peal and stick is not addressed in the sheathing. The application of the additional layer of peal and stick is not addressed in the NOA and is in direct violation of code sections 1517.5.1 and 4402.6.5.1 which states "No roofing material shall be fully or partially adhere directly to a nail able deck, unless otherwise noted in the Roof Assembly Product Approval." Therefore the staff recommendation is to deny the appeal.

Appellant, Mr. Robert Borowsky, addressed the Board and gave details on the installation of the system and expressed his belief that the system was improved by the addition of the self adhere membrane, since the code request to install one layer only in addition three were installed, resulting in an improved roof system. This work was agreed by the home owner and a waiver in the insurance was granted for being this a safer system. He also mentioned no fire rating was compromised in this case and recap on the information presented in the agenda packet. The use of this layer is not accepted only in Broward and in Dade. The appellant showed more information to the Board of the layers installed in the system. Representing the city, Mr. Curtis Craig BO of Fort Lauderdale addressed the Board, he supported the concept cited in the Code and agreed with the staff recommendation. Discussion followed between the Board members. Staff consulted Miami-Dade County on the subject, one of their representatives were present at the meeting. **Mr. Elzweig MOVED and proposed a motion to deny the appeal. There was a Roll Cal and the motion passed 12 to 1.**

Affirmative Votes

Giles, Chair
P. London, Vice Chair
A. Kozich
W. Flett
M. Elzweig
J. Sims
D. Rice
J. Shechter
J. Smith
H. Zibman
J. Zimmer
D. Lavrich

Negative Vote:

M. Synalovski

It was recommended by the Chair that the Roofing Committee review this issue and state its opinion on the subject.

2c. Appeal # 06-08 Project location: Allied Architectural Metals - Greg Van Kekerix, 2109 Middle River Dr., Fort

Lauderdale. Mr. Bill Dumbaugh addressed the Board and explained this appeal consisted of an identical case to the one presented before except that it was a different brand product used. Same code sections apply to it and also staff opinion is to deny the appeal. Qualifier Mr. Kekerix addressed the Board, he stated that the peal and stick is not part of the system but it's an addition in safety to it. He requested a one time only approval as an alternative, and to have a recorded statement in the folio, so that the home owner will not have a problem to sell the house. The city reinstated its disapproval about the appeal as in case of Appeal # 06-07. Representative of Miami- Dade Product Approval was present at the meeting and addressed the Board. He stated researches done after Hurricane Wilma showed that new roof systems installed under the High Velocity Hurricane Zone Code resisted well, shingle manufacturers do not want the self stick material applied due to the humidity can cause damage and mold, also FEMA is requesting decks to be checked for re nailing in re roofing situations. Discussion followed between the Board members. **Mr. Kozich MOVED and proposed the appeal to be denied by MOTION, seconded by Mr. London. There was a Roll Call and the Motion passed unanimously.**

Affirmative Votes

Giles, Chair
P. London, Vice Chair
A. Kozich
W. Flett
M. Elzweig
J.Sims
D.Rice
J. Shechter
J. Smith
H. Zibman
J. Zimmer
D. Lavrich
M. Synalovski

Negative Vote:

None

3. Proposed Amendment 109.12.10 of the BC Administrative Provision of the FLB Code relating to Special Hurricane Inspections.

Mr. DiPietro referred to the Item and stated that Staff respectfully asked for more time to obtain opinions from the Building Code Administration and Inspectors Board, and the Florida Engineers' Management Corporation, concerning the question of delegation of inspection authority. **Mr. Kozich MOVED and proposed a MOTION to table this Item, seconded by Mr. Lavrich. There was a Roll Call and the MOTION passed unanimously.**

Affirmative Votes

Giles, Chair
P. London, Vice Chair
A. Kozich
W. Flett
M. Elzweig
J.Sims
D.Rice
J. Shechter
J. Smith
H. Zibman
J. Zimmer
D. Lavrich
M. Synalovski

Negative Vote:

None

4. Proposed amendment to 104.5.3.4 Certification of Structural Inspector, relating to a modification of the Exception.

Recommendation of the Ad-Hoc Certification Review Committee. (12 to 4 vote)
Mr. DiPietro addressed the board on the Item and gave information about the recommendation of the Ad-Hoc Committee, which consisted of removing the requirement to obtain a General Contractors License within 18 months of the original certification date. **Mr. Kozich MOVED to accept the modification requested by the Ad-Hoc Committee. There was a Roll Call and the MOTION passed 11 to 2.**

Affirmative Votes

P. London, Vice Chair
A. Kozich
W. Flett
M. Elzweig
J.Sims
D.Rice
J. Shechter
H. Zibman
J. Zimmer
D. Lavrich
M. Synalovski

Negative Vote:

J. Smith
Giles, Chair

5. **AD-Hoc Certification Review Committee's recommendation.** Request to the Board of Rules and Appeals to clarify Code Sections 104.5.3.1 and 104.5.3.2 in reference to HVHZ experience. Mr. Bill Dumbaugh addressed the Board on the Item, he referred to a research he did about the history of the concept back in previous codes. He arrived to the conclusion that the requirement was always in the code except for some omissions due to typographical errors, being never removed or modified by the Board. The committee referred this item to seek advice from the Ad-Hoc Certification Committee about this issue. Until recommendations are received, a literal application of the code section wording should apply. Discussion followed; Mr. Lavrich and Mr. Elzweig expressed their disagreement with the recommendation. **Mr. Lavrich MOVED to table the Item and to refer it back to the Ad-Hoc Committee for further study, the MOTION was passed unanimously.**

6. **Proposed Modifications to the Board of Rules and Appeals Policy #05-05 “Building Safety Inspection Program”.** A. Mark Scala P.E, presented the item to the Board, it consisted of updating and modifying the actual 40 Years Building Safety Inspection forms in a way of having both Electrical and Structural look the same, by deleting the word “certification” from the forms and instead use “Report”, removing at the signature section again the word “certifying” and adding “signing” also the addition to both forms of the explanatory wording intended to match the Miami Dade County report. These changes were previously approved by the Structural Committee. The Board Attorney representative agreed on the legitimacy of the language A MOTION to approve and immediately adopt the changes were proposed by Mr. Kozich a Roll Call followed and the Motion passed unanimously.

Affirmative Votes
 P. London, Vice Chair
 A. Kozich
 W. Flett
 M. Elzweig
 J.Sims
 D.Rice
 J. Shechter
 H. Zibman
 J. Zimmer
 D. Lavrich
 M. Synalovski

Negative Vote:
 J. Smith
 Giles, Chair

7. **Countywide certification of Building Inspectors and Plans Examiners.** Mr. DiPietro presented the item to the Board; he stated his recommendation for the Board to adopt Policy # 06-06 to be effective by 12/08/06 as detailed in the Agenda packet which consisted of implementing a Countywide Certification program for the titles of Building Inspector and Plan Examiner. Back in October 12, 2006 the Board adopted a program of countywide certification in concept and asked staff to develop a program of implementation. The recommended program guidelines were developed by all code compliance officers. Mr. Kozich MOVED to approve the Policy 06-06 duly seconded by Mr. Lavrich.

Affirmative Votes
 P. London, Vice Chair
 A. Kozich
 W. Flett
 M. Elzweig
 J.Sims
 D.Rice
 J. Shechter
 H. Zibman
 J. Zimmer
 D. Lavrich
 M. Synalovski
 J. Smith
 Giles, Chair

Negative Vote:
 None

8. **2007 Board of Rules and Appeals meeting schedule.** The calendar of meetings for the year 2007 was presented. There were minimal changes to dates in order to accommodate the holidays.
APPROVED UNANIMOSLY

9. **Board of Rules &Appeals Policy #06-06 on use of cell phones.** Mr. DiPietro explained to the members of the Board the Broward County decision to change service providers to Verizon Wireless and that most users will soon be changed on a minute by minute rather than on a block of time. Policy 06-06 requires reimbursement of personal

calls to BCBRA except for the exceptions detailed. **Mr. Kozich moved to approve the Policy #06-06. A Roll Call followed and the MOTION was passed unanimously.**

<u>Affirmative Votes</u>	<u>Negative Vote:</u>
P. London, Vice Chair	None
A. Kozich	
W. Flett	
M. Elzweig	
J. Sims	
D. Rice	
J. Shechter	
H. Zibman	
J. Zimmer	
D. Lavrich	
M. Synalovski	
J. Smith	
Giles, Chair	

10. **Building Official Survey of Permit and Plan Review response times.** This is BCBRA's third local jurisdiction one by phone and the last two by written response. Mr. DiPietro, explained that the survey data suggested most jurisdictions are now in compliance with code plan review and inspection time requirements and that we are recovering the effects of Hurricane Wilma, the worst storm to impact Broward County in 50 years.
11. **December Holiday Work Schedule.** Mr. DiPietro addressed the item and requested its approval to the reduced rotating skeleton crew during the holidays. The remaining members of the staff will remain available by phone. **Mr. Kozich MOVED to approved, duly seconded by Mr. Zibman. Motion passed unanimously.**
12. **Director's Report.** Mr. Dipietro addressed the Board about the situation of the contract of the Board Lobbyist Mr. Larry Smith, being that the second year funding for his contract was cancelled by the County Commission, as part of a large number of County-wide budget cuts, but that the Commission was unaware of the existence of the two (2) year contract when the vote was taken. **Mr. Kozich MOVED and the MOTION was duly seconded, to allow the Administrative Director to proceed with the request to the County Commission that the funding should be restored. A Roll Call followed and the MOTION passed unanimously.**

<u>Affirmative Votes</u>	<u>Negative Vote:</u>
P. London, Vice Chair	None
A. Kozich	
W. Flett	
M. Elzweig	
J. Sims	
D. Rice	
J. Shechter	
H. Zibman	
J. Zimmer	
D. Lavrich	
M. Synalovski	
J. Smith	
Giles, Chair	

13. **General Discussion.**
14. **Election of 2007 Board Chair and Vice-Chair.**

Mr. Kozich nominated Mr. London for Chair and Mr. John Smith for Vice-Chair Ms. **A Roll Call followed and the nominations were formally adopted unanimously.**

<u>Affirmative Votes</u>	<u>Negative Vote:</u>
P. London, Vice Chair	None
A. Kozich	
W. Flett	
M. Elzweig	
J. Sims	
D. Rice	
J. Shechter	

H. Zibman
J. Zimmer
D. Lavrich
M. Synalovski
J. Smith
Giles, Chair

Mr. London presented a plaque to Ms. Giles in appreciation for her dedication and participation as Chair person for the Board of Rules and Appeals during the year 2006.

15. Passing the Gavel.

16. Adjournment. Meeting was adjourned at 9:15 PM