



BROWARD COUNTY

# Board of Rules & Appeals

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## **BOARD OF RULES AND APPEALS**

**JUNE 14, 2007**

### **MEETING MINUTES**

#### **CALL TO ORDER**

A published meeting of the Board of Rules and Appeals was called to order by its Vice Chairman, Mr. John Smith at 7:10 p.m.

#### **ROLL CALL**

J. Smith  
S. Giles  
A. Kozich  
J. Shechter  
W. Flett  
A. Korelishn  
J. Sims  
H. Zibman  
D. Rice  
D. Zimmer  
D. Lavrich  
S. Kastner

The presence of a quorum was announced.

#### **APPROVAL OF MINUTES**

The May 10, 2007 Board meeting minutes were **UNANIMOUSLY APPROVED BY MOTION.**

#### **CONSENT AGENDA**

1. **Certifications.** Two additions to the routine certifications that were processed after the agenda was published were requested by Mr. DiPietro, Administrative Director as follows: Ms. Marie Priore, structural inspector for the City of Weston, and Gabby Chamoun, structural inspector for the city of Plantation.

**MOTION TO APPROVE ALL CERTIFICATIONS WAS UNANIMOUSLY APPROVED.**

#### **REGULAR AGENDA**

2. **Appeal # 07-04**

**Mr. Electric, Location: 4201 N.W. 104<sup>th</sup> Avenue, Coral Springs**

Mr. Baker, Chief Electrical Code Compliance Officer stated that the basis of the appeal is that unlimited Electrical Contractor according to 489 part 2 in the state of Florida is allowed to do any thing the other Electors Contractors can do; meaning the sign contractors, the fire alarm contractors, and in this particular case means In this case the fabrication, erection, installation and maintenance of the electrical lighting poles. He failed in getting his inspection of the light poles as they were being placed in the holes that were being dug. At the time the city required an electrical inspection of light fixtures and a structural inspection of placement of light poles in holes. They wanted a structural inspection for placement of light poles. I met with the city, talked with them; they said either a structural or an electrical inspection of placement of light poles shall be performed. Engineering report faxed to you from Norman Bray; Mr. Bray went through and found everything to be in order.

The Appellant, Mr. Ken Kotrady, the owner of Mr. Electric, state certified Electrical contractor addressed the board. "I've been in business for 30 years. Not one of the previous jobs that we've had had this particular inspection noted on the electrical plan. This went by me, I did miss it. We've done a lot of work in Coral Springs. I ran into difficulty with the structural inspector along with the chief building official, who required me to pull all of the poles out of the ground after they were already installed and already wired. I had a difficult time with that. It was in solid cap rock and it took twice as long to do. That is the reason for the appeal; I didn't think it was right. I also spoke to Norman Bray and Kamm Consulting.

Board Member, Mr. Korelishn asked whether this was a new requirement. The answer was yes.

Mr. Schubert, Building Official for the city of Coral Springs came to the podium. He observed that this particular job was submitted three times for approval, done by the chief in Plantation, who actually did the review and he asked for a special inspector. There was at least one other city doing inspections. He became aware of the situation in early March, "We want to either have a structural inspector, an electrical inspector, or a special inspector to do that inspection." About a week ago on this appeal, questions were posed: Is that inspection required? Is the footing of a poll required to be inspected?

Mr. Hannon, Chief Structural Inspector for the city of Coral Springs. Plan review was used on weekends to help us. "I am with Coral Springs almost 14 years. It's not new, we've been doing inspections for over fourteen years. No request was put in for it. My opinion is those polls are installed, those engineers to withstand 140 Mile an hour winds. Our procedure is to go out when they are installing the polls. My guys mark the burial depth. If we don't see our initials on the poll, we know it's buried to the correct depth. We don't want to rely on this. We want a special inspector or the city to do that inspection. Thank you.

Mr. Norman Bray noted that he has the shop drawing. These hand holds are located as installed twenty (20) inches above grade. The shop drawings have the relative to the base. You can determine the depth of the pole. The center line of the hand pole is twenty (20) inches above grade. These poles are actually embedded nine (9) inches further. The first three (3) feet are earth and sand and the last three feet are solid cap rock.

Mr. Hannon, Chief Structural for the city of Coral Springs noted that the required depth of the pole is nine (9) foot not eight (8) foot, six inches( 6"). I measured. We do the inspection.

Board Member Mr. Zibman said that it would appear from this discussion and Dan Lavrich's comments that we have a non issue here. The City said if they had the letter it would suffice.

Mr. Vice Chairman: "The way I read the summary of the Appeal, the desired results are what are

being appealed. Is that correct? Then that has nothing to do with this particular job. I think it's up to the cities to decide what kind of inspections they want to do. I think the installations do need to be inspected by someone in the cities. I think the way they are about measuring a pole is a reasonable way to look at it and verify with shop drawings is also a reasonable way to look at it. There are dimensions and they can be checked. Leave the cities to do their jobs the way they are doing it.

**MOTION was made by Mr. John Smith that the Board take no action.  
Mr. Smith moved to deny the appeal.**

It's up to the city to use due diligence, it's a complex issue. The cities have responsibilities. Mr. Rice asked that the inference here is that you have to have a Structural Inspector if you have 100 foot light poles. Mr. Hannon replied anything above twenty feet (20). Mr. Smith asked the Appellant if he would be willing to withdraw the Appeal." The resolution to this particular case is an extremely simple resolution when you have poles of a fixed length. If you want to have a professional engineer to go out and to it; it's a simple resolution.

Mr. DiPietro, with the attorney's approval, asked if the maker of the motion and the second would withdraw the motion. They agreed. "So are you stating on the record that you are withdrawing the Appeal?" Appellant, Mr. Kotrady replied, "Yes."

**3. 2004 Florida Building Code Broward County Chapter I Amendments to section 104.6.3.1, Powers and Duties of the Roofing Inspector.**

This item was introduced by the Director, Mr. DiPietro, he explained that at a recent board meeting this issue was resolved for the structural discipline, but not for the roofing, that's why we are bringing the issue back to you. That's the basis for the recommendation.

Mr. Dan Lavrich stated that he was strongly opposed to putting this requirement in the code, and said he believed it was unnecessary. This being a code amendment, Mr. Smith opened the floor to the public. There was no public input, and the floor was closed.

**Mr. Kozich made a motion to approve the code change. The vote was taken and the MOTION WAS PASSED, 11-1.**

| <b>Affirmative Votes</b> | <b>Negative</b>   |
|--------------------------|-------------------|
| <b>S. Giles</b>          | <b>D. Lavrich</b> |
| <b>A. Kozich</b>         |                   |
| <b>J. Sims</b>           |                   |
| <b>D. Zimmer</b>         |                   |
| <b>J. Shechter</b>       |                   |
| <b>H. Zibman</b>         |                   |
| <b>A. Korelishn</b>      |                   |
| <b>D. Rice</b>           |                   |
| <b>S. Kastner</b>        |                   |
| <b>W. Flett</b>          |                   |
| <b>J. Smith</b>          |                   |

**4. 2006 Florida Building Code Chapter I Amendments to 109.12.10 Special Hurricane Inspections.**

Mr. Dumbaugh reported that both state licensing boards have given us their opinions with respect to the issue of delegation of inspection authority. The Board of Professional Engineers states that an engineer may send out any duly authorized person they felt qualified. However, under Florida Statutes Chapter 489 the inspector needs to be a design professional or licensed building inspector. The two alternatives are offered on Agenda Packet page 38. Dan Lavrich discussed the item and then made the motion that we approve the version listed at the top of page 38 reading as follows:

**109.12.10** During the emergency period, as proclaimed by the governor, the Building Official may at his or her option allow a Florida Registered Architect or a Professional Engineer, or their duly authorized representative to perform required re-roofing inspections. ~~These inspections must be performed by the Florida Registered Architect or Professional Engineer accepted by the Building Official and cannot be delegated to other persons.~~ The Florida Registered Architect or Professional Engineer shall submit sealed inspection reports to the Building Official.

I presume what's being asked what we want to approve - I move we approve the authorized by 109.12.10. **The Motion passed unanimously.**

**5. Broward County Local Amendments to the State Fire Code addition of Section F-27.1.1 about Underground Storage and Dispensing of Flammable / Combustible Liquids.**

Chief Fire Code Compliance Officer Mr. Parks said that what is being proposed is that we separate Broward Mass Transit from F-27.1. This would allow them to store their bulk combustible liquids storage using the requirements of NFPA 30 and the permission of the A.H.J.'s (authority having jurisdiction). **The Motion passed unanimously.**

**6. Broward County Local Amendments to the State Fire Code addition of Section F-32.1 about Fire Department Notification in Existing Apartment Buildings Under 75 Feet in Height.**

Mr. Parks stated that this was brought to us by the Fire Chief's Association. Chief Charlie Raiken is in attendance from the Fire Chief's Association. Chief Raiken addressed the Board and stated that he was representing the Florida Fire Chief's Association. We

should not have to go through the expense of forcing monitoring of existing apartment buildings and enforcing the current fire codes if the state is going to be modifying the code.

In some cases you have to upgrade the entire fire system. Chief Raiken stated that the local jurisdiction through the Board could actually help the A.H.J.'s (authority having jurisdiction). We want to be consistent, and we would appreciate a favorable vote on this. Thank you. **The Motion passed unanimously.**

## **7. Director's Report**

The Jim DiPietro asked the Chairman to re-open Item 3 and Item 4 asking for a vote to approve that both items be effective on June 15, 2007 in that an effective date had not been stated. **Motion was made, seconded and passed unanimously.**

The Director went on to discuss the status of an ongoing Appeal regarding the Renaissance windows stating that a meeting of all parties was held on June 1, 2007.

Ms. Giles inquired as to exactly how many windows were in question, and the Director responded that there were one hundred fifty-six (156).

The wording of the appeal related to the windows in the center of each floor. The issue relates to the negative pressure. The appeal is a smaller number, but the potential issue is every window on the first three (3) floors. If all three window tests specimens pass, with Miami Dade-County Product Approval that would resolve the first three floors entirely. Otherwise, there will be more discussion.

Mr. DiPietro made reference to the letter he and Mr. Herminio Gonzalez of Dade County Office of Code Compliance, sent to Chairman Raul Rodriguez of the Florida Building Commission on the subject of underlayment as secondary waterproofing. Mr. Flett provided background information – we are seeking to attain the high velocity hurricane zone method now used as an approved alternate.

Mr. Lavrich noted that a lengthy discussion took place regarding the effects of Hurricane Andrew back in 1992. Roofs came apart and shingles blew off. We went through a long process between Dade and Broward County strengthening our codes. One of the requirements was a certain amount of fasteners that we considered to be a secondary water barrier for wind load. It is designed to be there when the shingles blow off. The only thing the insurance companies consider a secondary water barrier is peel and Stick.

Mr. Dumbaugh, Chief Structural Code Compliance Officer, told the board that he had spoken with Herminio Gonzalez yesterday, and there is a presentation being put together by Miami-Dade County to prove that our system does work.

Mr. Kozich added that the state of Florida does not recognize the base sheet tin-capped as being a secondary system. In other parts of the country they do. Shingles can be applied directly to the base. We require this base sheet to be mechanically applied first. We've taken it for granted that it's only done here in South Florida. The paradox that exists is that

the rest of country allows it to be just sufficiently secured to hold it in place. It can only be Peel and Stick to get a discount. The insurance companies say they want a secondary waterproofing system. Our people in Florida can't get that discount for the secondary waterproofing system. They don't recognize our 30 pound felt tipped as being - What we're asking the state to consider is that this mechanically attached base sheet is a secondary waterproofing system and would be approved by the Insurance Commission and the insurance companies.

Board Member Mr. Zimmer inquired whether we voted a couple of months ago that the Peel and Stick had to have the 30 pound tin-tagged underneath it. The answer provided was yes.

No other items were reported on.

**Adjournment**

**Motion was made by Ms. Giles to adjourn and seconded. Motion passed unanimously and the meeting was adjourned at 8:20 P.M.**