



## Broward County Board of Rules & Appeals

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### BOARD OF RULES AND APPEALS

May 10, 2007

### MEETING MINUTES

#### CALL TO ORDER

A published meeting of the Board of Rules and Appeals was called to order by its Chair Mr. Phil London, at 7:04 p.m.

#### ROLL CALL

Present

P. London, Chair  
S. Giles (arrived 7:06)  
A. Kozich  
G. Elzweig  
J. Sims  
B. Van Kirk  
M. Synalovski  
W. Flett  
J. Shechter  
H. Zibman  
D. Zimmer  
D. Lavrich  
A. Korelishn

*The presence of a quorum was announced.*

#### APPROVAL OF MINUTES –

January 11, 2006 Board meeting minutes were **UNANIMOUSLY APPROVED BY MOTION.**

#### CONSENT AGENDA

**1. Certifications.** Two routine additions to the agenda packet were requested by M. DiPietro, Administrative Director as follows: City of Miramar, Mr. Edward A. Leyland, Fire Inspector and Parkland Taylor Haygood, Structural Plans examiner. **MOTION TO APPROVE ALL CERTIFICATIONS WAS UNANIMOUSLY APPROVED.**

#### REGULAR AGENDA

**2. Appeal # 07-02** Project location: 1370 S Ocean Blvd. Pompano Beach Fl 33060

*Chairman, Mr. London requested the appellant and the city choose its representatives since each group would be allowed to speak for a total of 15 minutes. The people who were to testify were sworn in.*

*Mr. Rusty Carroll Structural Chief Code Compliance Officer addressed the board about the appeal which continued from the previous meeting. He noted that floors 3, 4 and 5 in Renaissance II are the*

first floors in the building. He recapped on the history of the appeal, as follows: Contractor applied for a permit to install windows in the building , submitted data , analysis and product approvals and the Building Official issued a permit to install those windows The appellant contacted BRA staff concerned that the documentation presented did not meet the code and challenged the city by filing the appeal. Staff contacted the city, and after reviewing information also found concerns and requested that the Building Official issue a stop work order on the windows in question (remaking "only the windows in question") BRA staff requested the building official require the contractor or manufacturer contact Miami-Dade and request a one time product approval from Miami-Dade County. This consists of a service Miami-Dade provides on your particular data. This may take some time since its required that all the information and data to be submitted for the Product approval process may require further testing and further approval. Since last meeting two or three windows were installed after the stop work order. The Building Official contacted the contractor who admitted his error and ceased installation. In the meantime the City is monitoring weekly to ensure that no more work is performed. The Board of Rules and Appeals has been notified that the contractor has applied for the Site Specific Notice of Acceptance (NOA) with Miami-Dade County. So far the actual status of this issue is unknown. Mr. London requested that no motions would be entertained until all parties have had their opportunity to speak. When inquired on the amount of time that the NOA would take he replied that is an uncertain answer since many aspects are considered and more data could be requested to further analyze the item. The time on the communication and accuracy of the data presented may delay or speed the results form the Miami-Dade Product approval office.

There was review and comments between the Board members and Mr. Carroll. Mr. DiPietro made the note that the appeals was presented in December 2006 and have been reviewed several times at this board. Mr. Ziegler, Board Attorney, mentioned that the decision on the appeal is pending the approval or not by Miami-Dade County therefore no ruling should not be reached during this meeting, but we will listen for the testimony of the parties during this meeting and leave the decision pending till the results form the mentioned office is made. It was questioned by Mr. Kozich the need of the appeal been reviewed at the board level after the decision is made by Miami-Dade. Chairman, Mr. London suggested that when the result is received from Miami-Dade County the board would schedule an emergency meeting to provide a final answer to the appeal. The appellant's (Mr. Anis Aoun) was represented by Mr. Sam Risk, who addressed the board members. He made a recap on the appeal and mentioned technical aspects of the permit approval that allowed installation of impact resistance windows based on faulty ground using rational analysis , this faulty ground of rational analysis was used to effectively boost the design pressure on those windows above the maximum limit which they are actually approved by the FLBC. They are approved for 106 pounds, the requirement of our building is 138.5 pounds (30% above what the windows are approved for) the appellant representative mentioned this is the case of all windows in the building, The Chair requested him to confine his remarks only to the windows referred in the appeal. The appeal was submitted due to the windows do not comply with the FBC. An independent engineer contracted by the Window contractor issue the calculations to go above the limit of the NOA; he pointed to different pages of the agenda packet where the calculations required for the building were listed. According to Mr. Risk the FBC and the BRA staff as well as the chief of Building Code Compliance product control division rational analysis cannot be accepted to increase the allowed pressure beyond the maximum allowed pressure specified on the NOA. Those windows do not meet the requirement of the FBC being unsafe to install them in the building. Lower floors are more exposed to hurricane winds. He mention the many times the appeal has been postponed since December when initially presented, he mentioned that the one time approval would allow the contractor to install these non compliant windows in the building being this a risk to the public safety. Building Official Mr. Sanzone, had his turn to speak he expressed that in reference to the question at hand which is between 2 engineers , the use of rational analysis that ignore the fact that his is a tested window in a larger configuration and the analysis went through with the identical frame, glass and with a smaller window , reasonably put 4 feet apart there is no reflection ,and the code gives the Building Official authority to accept alternate means. After review of data, it was agreed by the city to go with the Miami-Dade County One Time product approval. Mr. Sanzone remarked he had worked under the proper procedures marked by the FBC and the engineers in charge. Original window was larger and test was made on a smaller one, test passed confirming the rational analysis, then this test was submitted for approval to Dade County. There was a lengthy

discussion and it was requested several times that the members would discuss the actual content of the appeal not other issues of the construction that may be related but not exactly the content of the appeal. Representing the condo association Mr. Bob Madey representing Mr. Zaharnna (President), member of the committee which oversees the restoration project for the condo association. He expressed that Renaissance II has engaged in a process of restoration project to provide building maintenance and repair and also to increase safety to the unit owners. This project was started with the support of a majority of the owners. The appellant has opposed to this and other projects, without the support of other unit owners he presented the appeal to the BRA to gain support for his opposition to the project. He stated that he agrees with decisions of the Pompano Beach Building Official, in our particular case the specs mentioned by the FBC. He requested that the board to accept the reviews made by the City Of Pompano Beach Building Official and to dismiss Mr. Aoun's appeal. Mr. Tom Seneveyi representing the Contractor doing the concrete restoration of the windows and doors of renaissance he stated one more time about the tests performed by an engineer presented to the city, when appeal raised on the bottom floors, all those windows were tested and by mistake were installed and remarked this would not continue. TAS 201 202 203 testing and documentation information has been taken to Mr. Gascon in Miami-Dade. After results are received the board can move and decide about the installation of the windows in question. Mrs. Sandra Aoun (Mr. Aoun's wife) was sworn in; she expressed his request to the board members about their need to have a safety windows installed in the building. Mr. Shayen George, owner of unit 502, he wanted to clear some issue, one was that there was no vote on the windows, and that most people do not understand windows but basically the NOA for the windows is what is needed. **Mr. Kozich MOVED to continue this issue the next meeting of the Board of Rules and Appeals. Mr. Lavrich suggested waiting for the decision of Miami-Dade County before bringing the appeal back to the Board. Mr. Kozich accepted to modify the motion accordingly to what Mr. Lavrich suggested. The motion was seconded by Lavrich. There was a ROLL CALL and the motion was passed unanimously.**

**Affirmative Votes**

P. London, Chair  
S. Giles  
A. Kozich  
G. Elzweig  
J. Sims  
B. Van Kirk  
M. Synalovski  
W. Flett  
J. Shechter  
H. Zibman  
D. Zimmer  
D. Lavrich  
A. Korelishn

**Negative:**

None

**Mr. London passed the gavel to Mrs. Giles in order to be allowed to MOVE a motion with the purpose to avoid any misunderstanding during the time close to the hurricane season as follows: no window and or shutters can be removed from the 3<sup>rd</sup> 4<sup>th</sup> and 5<sup>th</sup> floor of the Renaissance II building until they receive the approval of Dade County approval NOA and code approved window, no plywood to be installed on the windows or concrete restoration work to be initiated on this floors until Miami-Dade County NOA is approved by either an emergency or regular approval of the Board of Rules and Appeals. In essence this motion would officially constitute a stop work order for the windows on these floors. Mr. Ziegler stated that the Board does not have the authority to put a stop work order, he suggested to ask the Building Official to agree with the stop work order. Mr. Sanzone expressed no work will continue, plywood is the only thing that can be done after removing those windows, (only the ones affected by appeal). **The MOTION died by a lack of second.****

**3. 2004 Florida Building Code Broward County amendments section 104.23, alternative materials methods. Mr. Dipietro presented the Item recommended by the Electrical Committee, Mr. Kozich (who is a member at the Committee) explained that there are some electrical issues that made**

*this interpretation necessary relating to swimming pools and spas. **Mr. Lavrich MOVED to accept the recommendation of the Electrical Committee and approve the Formal Interpretation as presented. THE MOTION WAS PASSED UNANIMOSLY.***

**4. Director's Report.**

**5. General discussion.**

**6. Adjournment.** *Meeting was adjourned at 8:20 p.m.*