

# Broward County Board of Rules and Appeals Meeting Minutes

November 17, 2022

Time: 7:00 PM

## Zoom Meeting Information:

<https://broward-org.zoomgov.com/j/1614212462>

Meeting ID: 161 421 2462

### I. Call Meeting to Order

Chairman Daniel Lavrich called a published virtual meeting of the Broward County Board of Rules and Appeals to order at 7 p.m.

### II. Roll Call

Danial Lavrich, Chairman  
Stephen Bailey  
Jeff Falkanger  
R. Art Kamm  
Sergio Pellecer  
Daniel Rourke  
David Tringo  
Dennis Ulmer  
Derek A. Wassink (arrived at 7:09 p.m.)  
Lynn E. Wolfson  
Abbas Zackria

### III. Approval of Agenda

Dr. Ana Barbosa, Administrative Director, requested that Item 5 be removed from the agenda.

Mr. Tringo made a motion, and Mr. Pellecer seconded the motion to approve the agenda as amended. The motion was carried out by a unanimous vote of 10-0.

### IV. Approval of Minutes – October 13, 2022 Regular Meeting

Mr. Kamm made a motion, and Mr. Falkanger seconded the motion to approve the September 8, 2022, minutes as submitted. The motion was carried out by a unanimous vote of 10-0.

### V. Public Comment (Except public hearing items on this agenda) Public Hearing limited to 3-minutes each - none

### VI. CONSENT AGENDA

#### 1. Certifications – Staff Recommended

##### CITY OF HOLLYWOOD

Grimsley, Meghan, Fire Plans Examiner  
Quintana, Daniel, Assistant Building Official

##### CITY OF MARGATE

O'Neill, Nicole, Fire Inspector

##### CITY OF MIRAMAR

Gregorisch, Jose, Fire Code Official  
Britton, Bruce, Fire Plans Examiner

##### CITY OF SUNRISE

Thomas, Temeka, Fire Inspector

**CITY OF TAMARAC**

Villanueva, Juan, Structural Inspector – Temporary 120-Day

**CITY OF WILTON MANORS**

Cuadra, Eduardo, Structural Inspector – Temporary 120-Day

**COUNTYWIDE**

Davalos, Robert, Electrical Plans Examiner  
Haynes, James L., Structural Plans Examiner  
Karttunen, Vesa, Structural Plans Examiner  
Prelaz, Marino, Plumbing Inspector

Mr. Tringo made a motion, and Mr. Falkanger seconded the motion approving the certifications as recommended. The motion was carried out by a unanimous vote of 10-0.

**REGULAR AGENDA**

**1. Appeal #22-05 Plantation Inn, recommendation of the Fire Code Committee**

a. Staff Report

Mr. Bryan Parks, Chief Fire Code Compliance Officer, advised that an appeal application was received on August 24<sup>th</sup> that was heard by the Fire Code Committee on October 20<sup>th</sup>. The Committee vote 9-2 to reject the appeal. He provided an overview of the property boundaries. This has to do NFPA 18.2.3.5.4, dead-end fire department access roads in excess of 150 feet in length shall be provided with approved provisions for the fire apparatus to turn around. The roadway is 125 feet longer with no exit. The Applicant would like to establish a gate at the far end of the roadway on the east side of the Plantation Inn building. However, staff cannot authorize use of that property. It is suggested that the Applicant seek assistance from the court system. Staff recommends denial.

Mr. Wassink arrived during the staff's presentation at 7:09 p.m.

Mr. Robert Coker, representing the Applicant, advised that every document he has submitted is contained in the staff report. In his presentation, he will reference the staff report page numbers. He noted an access drive to the west of Plantation Inn. Chief Martins pointed out at the Fire Code Committee meeting that there is an access easement available for the use of the access drive. The Plantation Inn has been in existence since approximately 1968. The area has been unchanged since 1968. The City of Plantation has decided to apply current code retroactively to this property. In 2019, the property owner of the area to the north and where the fire lane has been situated applied for a permit to install a fence. Customarily a fire department would err on the side of maintaining fire access. The simple solution would be to install a lock box to allow access to fire trucks. Shortly after the fence was constructed, the Fire Department started issuing notices of violation to the new owner of the Plantation Inn with respect to a 150-foot turnaround. The code addresses how existing conditions are to be treated. This appeal contends that Section 1.3.2.4 (Retroactivity of Referenced Standards to Existing Conditions) applies. There is no dispute that this condition has existed for over fifty years before the code went into effect. The Fire Department should not have issued a violation. He indicated that Chief Parks has referred to Section 1.3.2.4.3 where in those cases where the Authority Having Jurisdiction (AHJ) determines that the existing condition constitutes an imminent danger, the AHJ is permitted to apply retroactively any portions of the current standards deemed appropriate. It seems that the Fire Chief has to make the determination that the existing condition constitutes an imminent danger. The City of Plantation did not raise anything with respect to imminent danger. Plantation Inn is relying on an existing fire lane used by the Medical One building and turn-around space available on the southwest corner. This fire lane is enforced against Medical One by the City of Plantation at all times, and it is available if there was a fire at Plantation Inn.

b. Board Questions

Mr. Bailey asked if the 150-foot requirement is intended for the truck to turn around and if it was less, could the truck simply backup. Mr. Parks noted the area fire hydrants that would connect to the fire truck. In order to exit the truck would have to back over all of the fire water lines. The 150 number is the length of a fire water line. Mr. Bailey concluded that the 150-foot distance is for convenience. He went on to question why a key lock box is not being installed on the gate for the legally available fire lane could be used. Fire Chief Tony Martins, City of Plantation, advised that at this location there is no gate. It is fencing only. The fence was installed in 2019. Assistant City Attorney, City of Plantation, explained that the fence is on neighboring property and the City of Plantation is being asked to burden other properties with maintaining a road. The entire building could be demolished, and a new site plan submitted. Chief Martins elaborated upon difficulties firefighters could potentially encounter without this provision.

Mr. Coker responded to Mr. Rourke's question about when the access road was built however, he did not know who actually built it.

Mr. Charles Kraemer, Board Attorney, pointed out that the property is privately owned by Mr. Ricketts, not Plantation Inn. It is not the Board's business to enforce use of property that is not owned by Plantation Inn. It could be considered a taking of property. The proper course of action would be through the circuit court system.

Mr. Coker explained that the basis of the appeal is according to Code Section 1.3.2.4 code provisions cannot be applied retroactively unless there is a determination of an imminent danger. The City is applying the code retroactively without any determination that there is any imminent danger.

Chairman Lavrich asked if this has to do with solely the use of this property or that there is a fence as well. Mr. Kraemer advised that the Applicant does not have standing to bring the issue forward because the property is not owned by the Applicant. Mr. Coker explained that the basis of the appeal is two-fold. First, the Plantation Inn has been in existence since 1968 and under the code, this section of the code cannot be applied without a finding that such application would present an imminent danger. No such finding has been made. Secondly, the Plantation Inn has access through the Medical One gate.

Mr. Zackria noted that Plantation Inn using another property for access is no longer an option. Mr. Coker indicated that Chief Martins has advised that the only option is a full sprinkler system for Plantation Inn.

In response to Ms. Wolfson, Mr. Parks indicated that the size of fire trucks has changed over the years. Also, there will be other vehicles in addition to the fire trucks on the alleyway.

In response to Mr. Bailey, Mr. Parks advised that there was discussion between the Plantation Inn and the City of Plantation Fire Department. One alternative raised was a sprinkler system for the building. Mr. Coker advised that it is not possible to install a turn-around in the alleyway.

c. Board Action

Mr. Pellecer made a motion, and Mr. Zackria seconded the motion to deny the appeal as recommended. The motion was carried out by a unanimous vote of 11-0.

**2. Second Reading of proposed revisions to Broward County Uniform Data Form for Residential and Light Air Conditioning Replacements, Board Policy 19-02.**

a. Staff Report

Mr. Rolando Soto, Chief Mechanical Code Compliance Officer, noted this is a second reading and, as such, he is available for any questions.

Chairman Lavrich opened the floor for public comment but there was no one wishing to speak.

b. Board Questions - none

- c. Board Action  
Mr. Zackria made a motion, and Mr. Falkanger seconded the motion approving the proposed revision on final reading as recommended. The motion was carried out by a unanimous vote of 11-0.

**3. Second Reading of proposed revisions to Broward County Amendments (Chapter 1), Florida Building Code 7<sup>th</sup> Edition (2020), Appendix A, Broward County Uniform Building Permit Application**

- a. Staff Report  
Mr. Rolando Soto, Chief Mechanical Code Compliance Officer, noted this is a second reading and, as such, he is available for any questions.

Chairman Lavrich opened the floor for public comment.

Mr. Joseph Pasquariello, Assistant Building Official, City of Fort Lauderdale, asked if there will be any clarification with respect to owner signature. Mr. Soto advised that there is no change to this policy. The owner's signature is not required if the owner's agent signs. Mr. Zackria noted that this has already been vetted by the Board. Mr. Pasquariello advocated for the owner signing the permit application and the code be revised accordingly. Mr. Zackria believed that state law governs the issue. Mr. Charles Kraemer, Board Attorney, advised that the law specifies signature of property owner or agent. Mr. Pasquariello indicated there is confusion on this point. It is being interpreted differently by some municipalities. Mr. Kraemer advised that the role of the Board is not one of policing.

- b. Board Questions – none

- c. Board Action  
Mr. Falkanger made a motion, and Mr. Bailey seconded the motion approving the proposed revision on final reading as recommended. The motion was carried out by a unanimous vote of 11-0.

**4. First Reading of proposed amendments to Section F-121, Automatic External Defibrillator (AED) and Stop the Bleed Kit (SBK) of the Florida Fire Prevention Code, 7<sup>th</sup> Edition (2020), recommendation of the Fire Code Committee**

- a. Staff Report  
Mr. Bryan Parks, Chief Fire Code Compliance Officer, advised that the Fire Code Committee voted unanimously to move these amendments forward. The amendments were suggested by the Broward Fire Chiefs Fire Prevention Committee earlier this year however some discrepancies were found. Stop the Bleed Kit is trademarked; therefore, it is proposed to be changed to Bleeding Control Kit (BCK). There are additional modifications as outlined in his agenda memorandum, dated November 10, 2022, provided to the Board.

- b. Board Questions  
In response to Mr. Zackria, Mr. Parks advised that anyone could buy and install the equipment, but he was not aware of any fire department maintaining the equipment. He added that the departments are inspecting the equipment. Assistant Fire Chief, John Preston, City of Oakland Park, confirmed Mr. Parks is correct. There are multiple vendors from which to purchase the equipment and those vendors would likely be retained for maintaining the equipment.

- c. Board Action  
Mr. Tringo made a motion, and Mr. Wassink seconded the motion approving the proposed amendments on first reading as recommended. The motion was carried out by a unanimous vote of 11-0.

**5. First Reading of proposed amendment to Section F-112.3, Fire Sprinklers One and Two-Family Homes and Townhomes, of the Florida Fire Prevention Code, 7<sup>th</sup> Edition (2020), recommendation of the Fire Code Committee**

This item was removed from the agenda.

**6. Proposed formal interpretation pertaining to the maximum distance from the source of hot water to the fixture in commercial buildings per Section 607.2 of the Florida Building Code, Plumbing Code and C404.5 of the Florida Building Code, Energy Conservation Code**

- a. Staff Report  
Mr. Jose Cruz-Vellon, Chief Plumbing Code Compliance Officer, explained there is a conflict between the general requirement, and the specific and more restrictive requirement. The specific requirement (Energy Code) shall be applicable
- b. Board Questions - none
- c. Board Action  
Mr. Falkanger made a motion, and Mr. Zackria seconded the motion approving the formal interpretation (#33) on first reading as recommended. The motion was carried out by a unanimous vote of 11-0.

**7. Proposed revisions to the Rooftop Mounted Equipment Affidavit, Board Policy 22-03, recommendation of the Roofing Committee**

- a. Staff Report  
Mr. Jack Morell, Chief Structural Code Compliance Officer, advised that this recommendation of the Roofing Committee is to revise the affidavit to provide that any rooftop equipment removed during reroofing shall be reinstalled in compliance with the code in effect at the time a reroofing permit is issued. Boxes (to indicate applicable existing rooftop equipment) were added to the affidavit template.
- b. Board Questions - none
- c. Board Action  
Mr. Bailey made a motion, and Ms. Wolfson seconded the motion approving affidavit revisions as recommended. The motion was carried out by a unanimous vote of 11-0.

**8. Request to postpone the implementation of amendments to Section 104.1.1, Appointment of a Building Official and Section 104.3, Appointment of Chief Electrical, Mechanical, Plumbing and Structural Inspector, Chapter 1, Florida Building Code, 7<sup>th</sup> Edition (2020)**

- a. Staff Report  
Dr. Ana Barbosa, Administrative Director, requested a postponement in order to form an ad hoc committee to understand the needs of the cities and develop something that is amenable to at least most of the cities. The cost will take a toll on some cities.
- b. Board Questions  
In response to Mr. Bailey, Dr. Barbosa explained some cities have individuals on-call when a need arises as opposed to being present when there is nothing to do at that time.
- c. Board Action  
Mr. Tringo made a motion, and Mr. Zackria seconded the motion to postpone implementation for one-year from the April 2023 implementation date and authorize formation of an ad hoc committee for further study of the matter. The motion was carried out by a unanimous vote of 11-0.

**9. Director's Report**

**Office of Inspector General (OIG) Report**

Dr. Barbosa advised that staff has completed a thorough review of the report. Everything has been addressed and closed.

**Building Safety Inspection Program**

Dr. Barbosa advised that the Florida Building Commission is preparing a proposal to present potential changes to the Governor. The Commission is asking for the 3-mile coastline to be

eliminated and consequently eliminating the 25-year inspection that would be expensive. Staff will proceed as normal with the 30-year inspection protocol.

December Board of Rules and Appeals Meeting

Dr. Barbosa noted the need for a December meeting in order to elect officers for 2023.

**10. Attorney's Report**

Virtual Inspections Lawsuit – Inspected.com

With reference to a lawsuit against the Board of Rules and Appeals and the City of Hollywood concerning virtual inspections, Mr. Kramer explained that their claim was that those new statutes enacted this year allowed for virtual inspections in all disciplines by camera. The court ruled in the Board's favor originally and Inspected's second request for rehearing. Inspected has now filed another suit at the court of appeals' level.

**11. Committee Reports** - none

**12. General Board Member Discussion** - none

**13. Adjournment** – The meeting adjourned at 8:38 p.m.

A handwritten signature in cursive script, appearing to read "D. Lavrich".

Daniel Lavrich, P.E. - Chair