



BROWARD COUNTY

# Board of Rules & Appeals

One North University Drive, Suite 3500B, Plantation, Florida 33324

Phone (954) 765-4500 Fax: (954) 765-4504

<http://www.broward.org/codeappeals.htm>

---

## BOARD OF RULES AND APPEALS

SEPTEMBER 8, 2016

MEETING MINUTES

### Call to order:

Chair Jeffrey Lucas called a published meeting of the Broward County Board of Rules and Appeals to order at 7:10 p.m. He introduced a new member of the board, Danial Rourke. The roll was called and the following members were present:

### Present:

Jeffrey Lucas, FM, CFI, CFEI, Chair  
Kenneth Wynn, Vice Chair  
Ron Burr  
John Famularo  
Steven Feller  
Robert Kamm, P.E.  
Danial Lavrich, P.E.  
Daniel Rourke  
Robert Taylor  
James Terry  
Abbas Zackria

After the roll call, the presence of a Quorum was announced by Chair Lucas.

Presentation of Service Recognition Plaque to Board Member – Jeff Moral, Assistant Fire Chief, Fire Marshall, MPA, CFO – presented

### Approval of Minutes

Mr. Lavrich made a motion and Mr. Feller seconded the motion to approve the June 9, 2016 meeting minutes as submitted. The motion carried by unanimous vote of 11-0.

Mr. James DiPietro, Administrative Director, introduced a new board member, Fire Marshall Robert Taylor. He also announced that Bill Dumbaugh, Structural Code Compliance Officer, is retiring after his service since 2002.

## CONSENT AGENDA

### **1. Certifications – Staff Recommended**

Chair Lucas noted that Joseph Fraga, Shalanda Giles-Nelson, Herman Leslie and James West have progressed from temporary to provisional. The updated information was

provided to the Board.

**MR. LAVRICH MADE A MOTION AND MS. FELLER SECONDED THE MOTION TO APPROVE ALL SUBMITTED CERTIFICATIONS AS REVISED. THE MOTION PASSED BY UNANIMOUS VOTE OF 11 - 0.**

### **REGULAR AGENDA**

2. **Local Amendments to the 2014 Florida Building Code – 5<sup>th</sup> Edition – Chapter I to Section 102.8 Existing mechanical equipment, Section 105.3.0.2 Application Form and Section 105.15 Opening Protection to reflect state legislation (House Bill 535) which became effective July 1<sup>st</sup> 2016.**

a. Staff Report

Mr. Rolando Soto, BORA Chief Mechanical Code Compliance Officer, noted that as a result of House Bill 535, on June 8<sup>th</sup> the Florida Building Commission adopted changes to Chapter 1 and this proposal is to keep Broward County's Chapter 1 in line with the State's Chapter 1. The changes are not significant.

b. Public Hearing

Chair Lucas opened the floor for public comment but there was no one wishing to speak.

c. Board Action

**A MOTION WAS MADE BY MR. LAVRICH AND SECONDED BY MR. FELLER TO APPROVE THE ITEM AS SUBMITTED. THE MOTION PASSED BY UNANIMOUS VOTE OF 11-0.**

3. **Formal Interpretation of the 5<sup>th</sup> Edition of the Florida Building Code (2014) adopted Code glitches affecting FBC Mechanical: 301.15; FBC Building: 453.25.4.5.1, 1609.1.1, 1620.1, 1620.6; FBC Fuel Gas: 301.10 concerning wind load requirements on mechanical equipment.**

a. Staff Report

Mr. Lavrich indicated that a joint meeting was held by the Structural and Mechanical committees. It relates to House Bill 535. Since Hurricane Andrew, there has been controversy about the design of mechanical equipment to resist wind loads. The Legislature has decided the equipment does not need to withstand wind, but rather just tied down. Although there is no agreement with that decision, the objective is to align with the house bill. Because the house bill language is somewhat ambiguous a formal interpretation is being presented today. The committees believe that the

house bill is calling for: 1) all mechanical equipment to be anchored to resist wind load; 2) wind load requirements delineated in the 2007 building code; and 3) no other requirements may be imposed by any local building department.

Mr. Rolando Soto, BORA Chief Mechanical Code Compliance Officer, advised that the language affected several sections of the building, mechanical and the fuel-gas codes. The proposal will clarify all of those codes.

b. Public Hearing

Chair Lucas opened the floor for a public hearing but there was no one wishing to speak.

c. Board Action

**A MOTION WAS MADE BY MR. LAVRICH AND SECONDED BY MR. FELLER TO APPROVE THE ITEM AS SUBMITTED. THE MOTION PASSED BY UNANIMOUS VOTE OF 11-0.**

4. **2014 Florida Building Code Formal Interpretation relating to Playground Equipment (Code Section 102.2L).**

a. Recommendation of the Structural Committee

Mr. Lavrich advised that this interpretation relates to Section 102.2 of the Broward County amendments to the Florida Building Code, specifically swings and playground equipment. The Code is clear that any kind of structure must meet the Florida Building Code and particularly the wind load requirements. It is a life-safety issue. The Code states that swings and other playground equipment accessory to single-family residences do not have to meet the code. The Committee felt that provision is reasonable but did not feel that it applies to structures, that is, playhouses, platforms or anything more than a swing set or something similar.

b. Public Comment

Chair Lucas opened the floor for public comment but there was no one wishing to speak.

c. Board Action

Chair Lucas requested the Interpretation refers to August 11, 2016 on page one and should be corrected to September 8, 2016

Mr. Lavrich pointed out that the language specifically exempts various types of playground equipment. It does not cover platforms, two-story structures or playhouses. Mr. Famularo asked about when a kit that can be purchased and assembled becomes a structure. He felt some a structures. There are some 12 to 15 feet in height. Some discussion ensued about sheds and Code requirements. Mr. Lavrich felt the goal is to provide for the life safety of the public.

Mr. Burr asked about a pre-fabricated unit that includes a swing or slide and whether a permit would be required even though swings and slides are exempt. He thought there could be confusion if a swing and slide is part of a play apparatus. Some discussion ensued as to homeowner responsibility in preparation for a storm, the existing code and the proposed language in general. A size limit for the platform and height limit on the roof above it were suggested. Mr. Lavrich was opposed to an exemption. In response to Chair Lucas, Mr. James DiPietro, Administrative Director, advised that the language is also in the State Building Code. He also clarified that the proposed language for Broward County would expire in a three-year cycle and staff recommendations at that point. Mr. Zackria pointed out that there is a reason for the existing exemption. It gives single-family property owners authority to do whatever they want in their private domain. He felt this could cause more harm than good. Mr. Lavrich did not think it was ever the intent of the current code provision. He recognized that enforcement is a problem but when the law is changed to allow certain things, it makes the problem worse. Mr. Zackria believed it is a question of where to draw the line. Mr. Kamm believed there is a distinction between pre-manufactured playground equipment units and what one may build and anchor into the ground, such as the recent Fort Lauderdale example brought to the Board. He understood that the code exempts pre-manufactured playground equipment. Mr. Lavrich disagreed. Mr. Terry believed it really goes back to responsibility for one's property. The AHJ (authority having jurisdiction) would make the determination.

**A MOTION WAS MADE BY MR. FELLER AND SECONDED BY MR. ZACKRIA TO APPROVE THE PROPOSED INTERPRETATION LANGUAGE AS PRESENTED. THE MOTION FAILED BY A VOTE OF 9-2, WITH MR. KAMM AND MR. LAVRICH VOTING YES.**

5. **Amendment to Board Policy #08-01 Entitled "Codebooks policy relating to members and alternates of the Broward County Board of Rules and Appeals" to include NFPA 70 National Electric Code.**

a. Recommendation of Board Member Abbas H. Zackria, CSI

Mr. Zackria advised that there have been quite a few appeals and amendments referencing the National Electric Code before the Board in their discussions and deliberations. The National Electric Code is not provided to the Board members. He

requested this code be provided to the Board members along with the Florida Building Code and the Florida Fire Prevention Code.

In response to Chair Lucas, Mr. James DiPietro, Administrative Director, indicated there is report in the Board agenda materials. The cost is under \$100. Mr. Lavrich felt that if this code is going to be provided, other relevant supporting codes should also be provided. Mr. Lavrich did not see the reasoning.

b. Board Action

There was no action taken.

6. **Director's Report**

Mr. James DiPietro, Administrative Director, drew attention to information provided to the Board concerning two items as follows.

Mr. DiPietro reported that the BORA (Board of Rules and Appeals) Bi-Directional Amplifier Committee will be meeting October 20 or 25 for a six-month review of the countywide law concerning bi-directional amplifiers.

Mr. DiPietro advised that there is a small group of people designated by the County who are concerned about affordable housing for people with disabilities. They would like the County Commission to consider special inspectors for disabilities. He wanted the Board to know that staff is having a dialogue with this group. Mr. Zackria asked for more information. Mr. DiPietro understood it would be use of a specialist for some not yet defined accessibility issues. He was not entirely certain of the meaning, but this group feels that there is not enough progress on disability issues in general. One of their recommendations is to train people. In looking at the State's website, they found that disability training is not required of engineers or contractors. At the State level, there is two hours every two years required. The State requires fourteen hours of training for inspectors and the Board of Rules of Appeals twenty-eight hours. As such, more hours could be required. However, he does not know how the group feels about this. Mr. Wynn, the Board's vice chair, has attended the discussions. Mr. Wynn pointed out that unlike the building code, the special guidelines are retroactive which could be problematic. Also, training is not required for architects, who are the designers. He also is not certain what the group wants.

7. **Attorney's Report** - none

8. **Committee Report** - none

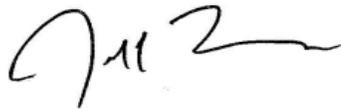
9. **General Board Discussion**

Mr. Lavrich commented on the recent difficulty in securing a quorum for the Board's meetings. He was disappointed in members not meeting their commitment to serve on this board. Chair Lucas agreed. Mr. Lavrich suggested in staff's communications with members to make arrangements for a meeting it should be emphasized that the goal is for full membership of thirteen, not just the minimum needed for a quorum.

10. **Public Comment** - none

11. **Adjournment**

Having no further business to go before the Board, the meeting adjourned at 8:11 p.m.

A handwritten signature in black ink, appearing to read "J. Lucas", is positioned above a horizontal line.

---

Jeffrey Lucas, FM, CFI, CFEI - Chair