



Broward County Board of Rules & Appeals

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BOARD OF RULES AND APPEALS

December 6, 2007

MEETING MINUTES

Call Meeting to Order.

A published meeting of the Board of Rules and Appeals was called to order by its Chair Mr. Phil London, at 7:03 p.m.

Roll Call

Phil London

John Smith

Shalanda Giles Nelson

Jay Shechter

John Famularo

Albert Korelishn

Henry Zibman

Gary Elzweig

David Rice

Steve Kastner

Don Zimmer

Dan Lavrich

The presence of a quorum was announced.

Approval of Minutes. *October 2007 Board meeting minutes were unanimously approved by motion.*

CONSENT AGENDA

1. Certifications.

*Mr. Dipietro requested that staff approved three certifications added to the list in the agenda packet as follows: Mr. Victor Blanco, Structural Building Inspector , Mr. C. Arigani, Structural Building Inspector Polo Ceferini Mechanical Plans examiner, all for the city of Fort Lauderdale. **Motion to approve additions and agenda certifications was passed unanimously.***

2. Appeal #07-02 Location 1370 South Ocean Blvd., Pompano Beach

Rusty Carroll, Structural Code Compliance Officer, presented a short history recap about the appeal which was originally filed back in December 2006, after that was scheduled for January, postponed till April 2007, heard again at the Board in May 10 when it was tabled until a response from the Miami Dade Product approval department was issued. Originally the appeal related to the installation of windows in a multistory ocean front condo in Pompano Beach. The contractor applied for a permit, submitted documentation and the city issued a permit to install windows accordingly. The appellant contacted our office with concern over the documentation presented to the city of Pompano and wanted to challenge the city acceptance to install the windows. Staff met with Building Official Mr. Sanzone, and based on the particular circumstances, engineers representing both parties disagreed and it was staff recommendation that the Building Official

issue a stop work order on the particular window referred in original appeal in question and also recommended that the Building Official requested the contractor to obtain a **one time site specific product approval** to install such window from Miami Dade product control on the one window referenced for floors 3, 4 and 5 , with the exception of the sliding door. During the May meeting it was board decision to bring back the appeal as soon as a response was issued by Miami Dade; at this time it is the staff recommendation is to dismiss the appeal. Following the appellant addressed to the members of the Board, Mr. Anis Aoun was sworn in, and followed with his statement. He expressed that the essence of the appeal was the unauthorized use of rational analysis and not one time approval. He insisted in that one time approval is used in cases of never used products to expedite its approval and use, this product has been in the market for 7 years. He stated the approval was for 3 floors in 154 windows. The rate of these windows given by AMA is light commercial, up to 100 miles per hour, the doors we have in the building are rated heavy commercial. For this kind of building should be heavy commercial. The approval given by Miami Dade was not an approval; it was made contingent on meeting seven conditions. Plans examiner expressed no calculations were presented. He again expressed that site specific was not his request. All windows were installed, NOA should be followed. His request was at the beginning to stop the installation, nowadays, he wanted the windows installed. At the request of the board members to clarify the request at the date focusing on the issue at the current time, he replied his request was to add a statement on the record not to allow the use of rational analysis to boost pressure where the code does not allow it. He insisted to include his request to be included in the minutes, this request was denied. The City and staff members were sworn in by recommendation of the Board's attorney, a second recommendation would be to approve or deny the appeal not dismiss. Once more it was requested to clarify the essence of the appeal as originally filed, All individuals to speak were sworn in , and the city will follow to express its opinion. Representing the city of Pompano Beach, Mr. Boyd Kelly Structural Inspector, Mr. Sanzone was unable to attend the meeting due to a previous committee with the City of Pompano beach, Mr. Kelly read a statement from Mr. Sanzone as follows; " ... The project in question 07-02 has installed all 150 windows as of 12-03-07, the contractor and manufacturer have obtained the site specific approval for the windows in question from the Miami Dade Product Approval; this complies with the requirements from the Board on this case and I would recommend that the Board requirement have been complied with and this should be dismissed. Signed Jerome Sanzone." As a procedural manner, Mr. Russell, Board Attorney requested that Mr. Carroll be sworn in once more. Done so, the meeting continued. After the three parties had spoken there was Board discussion about the appeal, **Mr. Elzweig moved and based on the information presented proposed to deny the appeal, seconded by Mr. Zibman. A roll call followed, the motion was passed unanimously 12 to 0.**

3. Appeal #07-08 Location 5801 NW 82nd Ave. Tamarac, Fl

Mr. Carroll after being sworn in along with all other public speakers, presented and described the appeal to the members of the Board, which consisted of a product used typically to enclose a porch or patio in a building, as described in the content of the packet , in a copy of 1999version of the Florida Building Code , that requires to be removed in 75 miles per hour case , also for the product of acrylic panels to be removed. It is staff opinion and city's opinion that when the code was written that this section was not incorporated into the High Velocity Code Section. Therefore any enclosed structure has to meet wind load of 140. The appellant references primary and secondary members with respect to wind load. Staff support the city's decision of deny the approval for the product. On behalf of the Appellant Mr. Ben Jacubauskas window manufacturer addressed the Board, this windows are removable , we feel there is no bearing to the entire structure as its said there in the Code, they are engineered signed and sealed as a secondary barrier structure, 75 miles , leaving to the responsibility of the home owner to remove it. The appellant described the characteristics of the product, which consist of horizontal panels easy to remove made of clear acrylic used in single family room. Discussion followed and the city representative was called to speak, Mr. Gary Jones, Building Official for the City of Tamarac, referred to the Board and expressed that the current code does not allow the installation of this kind of product. Mr. Elzweig, based on the staff recommendation moved to deny the appeal, seconded by Mrs. Giles. **A roll call followed and the motion passed unanimously 12 to 0.**

4. Hurricane Mitigation Retrofits for existing site built Single Family Residential Structures.

Rusty Carroll presented the item to the Board, he referred to the State thru the Florida Statute mandated to the Florida Commission to institute some amendments that when a house is undergoing re-roofing, the owner has to upgrade hurricane attachments and re-nailing, staff has met with Building Officials and we came up with question and answers to basically interpret and unify the criteria of the mitigation requirements. A second set of question and answers was created and revised by cities and staff and now we are requesting the Board to approve the improvement we made to this. Mr. Zibman moved to approve the revisions presented by staff, duly seconded by Mr. Korelishn. The motion passed unanimously 12 to 0.

5. Proposed Changes to the Broward County Charter Concerning the Broward County Board of Rules and Appeals. Chairman, Mr. London, announced he withdrawn this portion of the agenda and with the Board's approval recommended staff to follow up with the appropriate representatives of the County and League of Cities. Mr. Zibman moved a motion to approve withdrawal, motion passed.

6. December Holiday Work Schedule. *A motion was presented to approve the Holiday schedule, after a roll call the motion was passed unanimously.*

7. Director's Report. Pompano Park Raceway Building Permit #06173, involving a collapsed ceiling in Pompano Race Track and Casino. *Mr. DiPietro addressed this item noting that no Board action was needed. Mr. DiPietro stated that some incident reports of the ceiling collapse had been sent to the State licensing Boards at this point and further monitoring will continue by the Board of Rules and Appeals and will be reported at a later date. Mr. Sanzone sent a one page statement, which was read into the record by Mr. Floyd Kelly. Mr. DiPietro stated that no copies were provided to the Board of Rules and Appeals of the attachments submitted by Sanzone, and that he would confirmed that the report provided by the Board of Rules and Appeals has been received by the State along with the letters of complaint.*

Mr. DiPietro informed that the Board would be moving the office located at One N University location, no public access is allowed in the new building and a new site will be announced to continue with our Committee meetings.

8. General Discussion. *Mr. Lavrich thanked the Board for the messages of concern and in reference to his accident. Chairman, Mr. London, also expressed his sentiment about the year he served for the Board as its Chair person. Electronic copies of the agenda or double side printing was suggested by members of the board as an improvement for the future.*

9. Board Nominations and Election of 2008 Chair and Vice-Chair, effective January 1, 2008. *Mr. Korelshn, moved to nominate Mr. Elzweig for Vice Chair, seconded by Mrs. Giles, Also Mr. Schechter was nominated for Vice Chair. Mr. Schechter kindly declined the nomination and expressed his support to Mr. Elzweig's. No roll call followed, the motion was passed by acclamation. Mr. Elzweig accepted the nomination. The Chairman election followed, a motion was proposed and seconded to elect the Vice Chairman Mr. John Smith as Chairman for the upcoming year.*

10. Passing of the Gavel *Mr. Smith presented two plaques to Mr. Phil London in appreciation for his dedication and participation as Chair person for the Board of Rules and Appeals during the year 2007 and for his years of service as a Board Member.*

11. Adjournment. *Meeting was adjourned at 8.04 pm.*