

# MINUTES OF THE BOARD OF RULES AND APPEALS MEETING ON 01-14-99

**Attendance:** Thomas Utterback, CH Richard Horton, VC Rolando Diaz Steven L. Johns  
John Kurzman Hermine Ricketts Jesus M. Gomez Gregory Pierce  
Moshe Weitz Robert Barnes Justin Manuel William Strachan

**Excused:** Arnold Velazquez Philip J. Knight William Riley

**Absent:** Raymond Niles

**Staff Present:** Francisco J. Quintana, Secretary Hugo Benitez, Asst. County Attorney  
Kathy Charles, Administrative Officer 1

**Court Reporter:** Dawn Whitmarsh

**Commenced at 1:30 p.m.**

## CONSENT AGENDA

**APPEAL #1: TCC EXTENSION, PERMIT No. BCC98214, Everingham**

**APPEAL #2: TCO EXTENSION, PERMIT No. 94-077897, Keeley**

Mr. Kurzman moved to hear the Emergency Agenda's Consent items with the regular Consent Agenda and Mr. Pierce seconded the motion.

**Motion carried unanimously.**

(For a verbatim version of the aforementioned item, refer to the transcript.)

## EMERGENCY CONSENT AGENDA

**APPEAL #1: TCC EXTENSION, PERMIT No. 96-5017655, Jarmen**

**APPEAL #2: TCO EXTENSION, PERMIT No. 98-051649, Altman**

Mr. Kurzman moved to approve the all the Consent items and Mr. Pierce seconded the motion.

**Motion carried unanimously.**

(For a verbatim version of the aforementioned item, refer to the transcript.)

## Minutes of December 17, 1998

Mr. Pierce moved to acknowledge the minutes of November 12<sup>th</sup>. Mr. Diaz seconded the motion.

**Motion carried unanimously.**

(For a verbatim version of the aforementioned item, refer to the transcript.)

**APPEAL #2: APPEAL OF A BUILDING OFFICIAL'S DECISION: City of Hialeah, 1805 and 1875 W. 56<sup>th</sup> Street; Final Inspection - Permit No. 98-5092-RF**

Mr. Berscanbalker, representing Mr. Willingham, requested that the Board grant the appeal and allow other evidence of compliance for a missed inspection on the roof installation at the property. He argued that the removal and reinstallation of the roof would present an extreme hardship for the owner.

After some discussion, Mr. Pierce moved to grant the appeal and allow one plug of the roof to be made or an inspection report submitted to the Building Official from a Florida licensed engineer certifying that the roof was properly installed. Mr. Pierce seconded the motion.

**Motion carried unanimously.**

(For a verbatim version of the aforementioned item, refer to the transcript.)

**TCO/TCC REQUESTS**

**ITEM #1: TCO EXTENSION, PERMIT No. B8800095, Jarmen**

Mr. Kurzman moved to grant the TCO extension for ninety days. Mr. Horton seconded the motion.

**Motion carried unanimously.**

(For a verbatim version of the aforementioned item, refer to the transcript.)

*Mr. Pierce was not present for the previous item.*

**ITEM #2: TCO EXTENSION, PERMIT No. B8800095, Jarmen**

Mr. Horton raised some concerns about the process, which seems to allow new work to be permitted on projects that were not finished. He suggested that this was part of the problem with outstanding permits outlined in the recent report to the Board and addressed at January 7<sup>th</sup> Airport Subcommittee.

Mr. Gonzalez, Aviation Department, reviewed the status of the deluge system at Miami International Airport and the involvement of the Fire Department.

After some discussion, Mr. Weitz moved to grant the TCO extension for ninety days and Mr. Diaz seconded the motion

**Motion carried unanimously.**

(For a verbatim version of the aforementioned item, refer to the transcript.)

**REPORTS**

**Certification of Inspectors/Plans Examiners for December**

Mr. Herminio Gonzalez, Code Compliance Division Chief, presented the list of individuals recommended for New Certification for January to be reviewed by the Board.

Mr. Kurzman moved to approve the list of individuals recommended for New Certification for January. Mr. Diaz seconded the motion.

**Motion carried unanimously.**

(For a verbatim version of the aforementioned item, refer to the transcript.)

**Approved:**

**New Certification**

**INSPECTOR REPRESENTING DISCIPLINES**

Diaz, Rene I. Miami Plans Examiner Building

Elledge, Paul R. Sunny Isles Beach Chief Inspector (Plumbing)

Hevia, Roberto Miami Building Official

Jimenez, Carlos A. Dade County Plans Examiner (Structural)

Kopetman, Fabian Dade County Roofing Insp. (Commercial)

Llanos, Leo Pinecrest Building Official

Naamani, Wissam S. Miami Beach Special Inspector

Perez, Everildo J. Pinecrest Roofing Insp. (Commercial)

Roofing Insp. (Residential)

Perkins, Gary L. Dade County Chief Plumbing Inspector

Plans Examiner Plumbing

Plumbing Inspector

Rodriguez, Alberto Miami Mechanical Inspector

### **Airport Subcommittee Report - Richard Horton**

After hearing the report, Mr. Kurzman moved adopt the recommendations of the Subcommittee and Mr. Diaz seconded the motion.

**Motion carried unanimously.**

(For a verbatim version of the aforementioned item, refer to the transcript.)

### **Electrical, Mechanical and Plumbing Ad Hoc Subcommittee Report - Richard Horton**

After hearing the report, Mr. Kurzman moved adopt the recommendation of the Subcommittee that the Board not allow the use or permitting of the Solvent System until various manufacturers develop nationally recognized standards or design methods, which could be adopted by the Code. Mr. Diaz seconded the motion.

**Motion carried unanimously.**

(For a verbatim version of the aforementioned item, refer to the transcript.)

### **EMERGENCY AGENDA**

Mr. Horton moved to hear the Emergency Agenda and Mr. Kurzman seconded the motion.

**Motion carried unanimously.**

(For a verbatim version of the aforementioned item, refer to the transcript.)

### **APPEAL #1: HISTORICAL WAIVER REQUEST: Miami Beach, Twist 1057 Washington Ave.; Entrance Doors**

Mr. Horton moved to grant the waiver, subject to the approval of the Building Official, based on the historical designation of the property. Mr. Kurzman seconded the motion.

**Motion carried. 10 to 2 (Mr. Weitz and Ms. Ricketts were opposed.)**

(For a verbatim version of the aforementioned item, refer to the transcript.)

### **APPEAL #2: HISTORICAL WAIVER REQUEST: Coral Gables, Twist 1057 Washington Ave.; Entrance Doors**

With no objection from the Building Official, Mr. Horton moved to grant the waiver based on the historical designation of the property. Mr. Kurzman seconded the motion.

**Motion carried unanimously.**

(For a verbatim version of the aforementioned item, refer to the transcript.)

**Meeting concluded at 2:45 p.m.**

# MINUTES OF THE BOARD OF RULES AND APPEALS MEETING ON 02-11-99

**Attendance:** Thomas Utterback, CH    Richard Horton, VC    Rolando Diaz    Steven L. Johns  
John Kurzman    Hermine Ricketts    Jesus M. Gomez    Gregory Pierce  
Moshe Weitz    Robert Barnes    Justin Manuel    William Strachan  
Arnold Velazquez    William Riley

**Absent:** Raymond Niles    Philip J. Knight    William Strachan

**Staff Present:** Francisco J. Quintana, Secretary    Walter Harvey, Asst. County Attorney  
Kathy Charles, Administrative Officer II

**Court Reporter:** Dawn Whitmarsh

**Commenced at 1:30 p.m.**

## CONSENT AGENDA

**APPEAL #1: TCO EXTENSION, PERMIT No. 96-5008953, Vlaun**

**APPEAL #2: TCO EXTENSION, PERMIT No. 97-5012563, Arellano**

**APPEAL #3: TCO EXTENSION, PERMIT No. B9701905, Kaloczy**

Mr. Kurzman moved to hear the Emergency Agenda's Consent items with the regular Consent Agenda and Mr. Johns seconded the motion.

**Motion carried unanimously.**

(For a verbatim version of the aforementioned item, refer to the transcript.)

## EMERGENCY CONSENT AGENDA

**APPEAL #1: TCO EXTENSION, PERMIT No. 1999-025724, Rodon**

**APPEAL #2: TCC EXTENSION, PERMIT No. 1999-025723, Rodon**

Mr. Kurzman moved to approve the all the Consent items and Mr. Barnes seconded the motion.

**Motion carried unanimously.**

(For a verbatim version of the aforementioned item, refer to the transcript.)

## Minutes of January 14, 1998

Mr. Kurzman moved to accept the minutes of January 14<sup>th</sup>. Mr. Johns seconded the motion.

**Motion carried unanimously.**

(For a verbatim version of the aforementioned item, refer to the transcript.)

**APPEAL #2: APPEAL OF A BUILDING OFFICIAL'S DECISION: City of South Miami, 6867 SW 77 Terrace; Aluminum Shed - Permit No. 7255**

**APPEAL #3: APPEAL OF A BUILDING OFFICIAL'S DECISION: City of South Miami, 6867 SW 77 Terrace; Screen Enclosure - Permit No. 6732**

The Board decided to here both items together since they were related appeals. Several members discussed the availability of the Amnesty Ordinance to address the appellant's situation.

After some discussion, Mr. Horton moved to grant the appeal and allow the renewal of both permits with the final inspection based on the 1988 edition of the SFBC. Mr. Kurzman seconded the motion.

**Motion carried unanimously.**

(For a verbatim version of the aforementioned item, refer to the transcript.)

**APPEAL #4 was withdrawn.**

**APPEAL #5: APPEAL OF A BUILDING OFFICIAL'S DECISION: City of Miami Beach, The Beach Cinema; Use of Waterproof Membrane over Air Conditioned Space**

**Mr. Johns indicated that he had a conflict with the appeal and left the room at 1:45 p.m.**

Mr. Frank Zuloaga, Roofing Product Control Examiner, suggested that the Code was unclear in this situation in distinguishing a roof from a ceiling and did not address waterproofing.

After some discussion, Mr. Horton moved to grant the appeal and allow the installation of the waterproofing membrane. Additionally, he also moved to refer this issue to the Building Code and Product Control Review Committee (BCPRC) for to be considered in their Code amendment process.

**Motion carried unanimously.**

(For a verbatim version of the aforementioned item, refer to the transcript.)

**APPEAL #6: APPEAL OF A BUILDING OFFICIAL'S DECISION: City of Miami Beach, The Yacht Club; Roofing Caulking and Coatings**

Mr. Vincent Vaccarella, representative of General Caulking and Coatings Inc., suggested that this appeal was very similar to the previous appeal and proceeded to clarify some issues regarding warranties on the product and installation with the members.

Mr. Velazquez moved to allow the installation of waterproofing membrane and to similarly refer the item to BCPRC. Mr. Pierce seconded the motion.

**Motion carried unanimously.**

(For a verbatim version of the aforementioned item, refer to the transcript.)

**TCO/TCC REQUESTS**

**ITEM #1: TCO EXTENSION, PERMIT No. 97-088748, Beckner**

After Mr. Beckner reviewed some of the fire safety systems being installed, Mr. Kurzman moved to grant the TCO extension for sixty days. Mr. Horton seconded the motion.

**Motion carried unanimously.**

(For a verbatim version of the aforementioned item, refer to the transcript.)

**CLARIFICATION**

Mr. Lester Goldstein, representative of Tower Group, requested a clarification of the Board ruling of December 21<sup>st</sup> regarding the ventilation of metal decking at 10145 NW 19<sup>th</sup> Street. Mr. Goldstein stated that reports received from the engineer of record indicated that the approved modification would not maintain the structural integrity of the roof.

After some discussion, Mr. Horton moved to reaffirm the Boards previous ruling which, with its condition that any modifications be structurally sound, left some leeway available to the appellant. As a part of the motion, he recommended that the engineer of record, the manufacturer and the Building Official meet to reach some alternate installation method. He also moved to extend the TCO for 90 day in order to give the parties time to arrive at a solution. Mr. Pierce seconded the motion.

**Motion carried unanimously.**

(For a verbatim version of the aforementioned item, refer to the transcript.)

**EMERGENCY AGENDA**

**Mr. Johns indicated that he had a conflict with the appeal and left the room at 2:35 p.m.**

**APPEAL #1: APPEAL OF A BUILDING OFFICIAL'S DECISION: City of South Miami, Shops at Sunset Place 5701 Sunset drive, Steel Inserts at Mullions**

Mr. Shane Prieto, representing Custom Glass Co., suggested that the system installed was based on plans approved for the permit. He also stated that through a rational analysis it was determined those steel inserts were not required in the mullions.

After some discussion, moved to deny the appeal since the permits were issued based on Product Approval specifications, which require the steel inserts. Mr. Diaz seconded the motion.

**Motion carried unanimously.**

(For a verbatim version of the aforementioned item, refer to the transcript.)

## **REPORTS**

### **Certification of Inspectors/Plans Examiners for December**

Mr. Velazquez reported the recommendations of the Certification Subcommittee regarding Re-certification. He then moved to approve the individuals for Re-certification listed on the Inspector Tracking System Report presented to the Board. Mr. Barnes seconded the motion.

#### **Motion carried unanimously.**

(For a verbatim version of the aforementioned item, refer to the transcript.)

The list of individuals recommended for New Certification for February was presented to the Board to be reviewed.

Mr. Horton moved to approve the list of individuals recommended for New Certification for February. Mr. Kurzman seconded the motion.

#### **Motion carried unanimously.**

(For a verbatim version of the aforementioned item, refer to the transcript.)

#### **Approved:**

#### **New Certification**

<b>INSPECTOR</b>	<b>REPRESENTING</b>	<b>DISCIPLINES</b>
Alvarez, Elio	Aventura	Electrical Inspector
Dagdag, Rolando E.	Dade County	Plans Examiner (Structural)
Desharnais, George W. Sr.	North Miami Beach	Building Official Chief Inspector (Building) Plans Examiner (Building) Building Inspector Structural
Everett, Kenneth L.	Dade County	Plans Examiner (Building) Roofing Inspector Comm. Roofing Inspector Res. Building Inspector Structural
Gomez, Flavio J.	Dade County	Chief Inspector (Building) Plans Examiner (Building) Plans Examiner (Structural)
Lanza, Carlos	Sweetwater	Plans Examiner (Building)
Mar, Cedric L.	Miami	Plans Examiner (Building)
Poin, Dennis L.	Coral Gables	Roofing Inspector Comm. Roofing Inspector Res. Building Inspector Structural
Romero, Marcos	Miami Springs	Roofing Inspector Comm.
Santiago, Eugenio M.	Key Biscayne	Plans Examiner (Building) Plans Examiner (Structural)
Tyson, Christopher G.	Dade County	Plans Examiner (Structural)
Van Wyk, Roy	Dade County	Chief Inspector (Electrical) Plans Examiner (Electrical)
Wagner, Joseph	Miami Beach	Special Inspector

**Meeting concluded at 4:10 p.m.**

**meeting by calling 305 -375-2901. Thank you.**

**A G E N D A****Board of Rules and Appeals****Meeting of March 11, 1999****Minutes: Meeting of February 11, 1999**

<b><u>TIME</u></b>	<b><u>APPEALS</u></b>		
1:15	1. Alfredo Quintero, P.E (AP-9903.1/S)	Ltr.1-20-99	<b>Re:</b> Historic Waiver SFBC City of Coral Gables 4300 Palmarito Avenue AQ1999-01091
1:30	2. Rodebaugh II, Chesney (AP-9903.2/S)	Ltr. 2-16-99	<b>Re:</b> Appeal of Building Official City of South Miami Chickee ("Chickee Gate") 6800 SW 64 Street
1:45	3. Breig, Margaret (AP-9903.3/M)	Ltr. Undated	<b>Re:</b> Appeal of Building Official Unincorporated Miami-Dade County 15255 NE 9 Avenue Wall Air Conditioning Units Permit No. 199900905
2:00	4. Yaffa, Philip A. (AP-9903.5/M)	Ltr. 2-19-99	<b>Re:</b> Appeal of Building Official Miramar Apts. Ltd. 1756 N. Bayshore Drive Use of Ventless Clothes Dryers
2:15	5. Lampert, Tom (AP-9903.6/S)	Ltr. 2-19-99	<b>Re:</b> Historic Waiver SFBC City of Homestead 18 N. Krome Avenue Product Approval-Windows/Doors
<b><u>Interpretation</u></b>			
2:30	Delgado, Jose <b>(Int-9903.1/A)</b>	Ltr 2-10-99	<b>Re:</b> Interpretation of NEC & NFPA City of Aventura 2999 NE 191 Street

**REPORTS**

- |      |                         |              |   |
|------|-------------------------|--------------|---|
| 2:45 | 1. Utterback, Thomas    | To be given  | <b>Re:</b> 1998 Board Annual Report                           |
|      | ( <b>Re:-9903.1/A</b> ) |              |   |
|      | 2. Quintana, Francisco  | Memo 2-24-99 | Certification of Inspectors /Plans Examiners -<br>March, 1999 |
|      | ( <b>Re:-9903.2/A</b> ) |              |   |

**BORA**

**03/99**

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**INFORMATION**

- |                           |         |  |
|---------------------------|---------|--|
| 1. Quintana, Francisco J. | Minutes | <b>Re:</b> Building Code & Product Review<br>Committee January 4, 1999 |
| ( <b>IN-9903.1/A</b> )    |         |  |

Pursuant to F.S. 286.0105, any person who decides to appeal any decision made by the Board of Rules and Appeals with respect to any matter considered at its meeting or hearing will need a record of the proceedings. Such person may need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal is to be based.

Notice is also given pursuant to Dade County Ordinance 91-22 that any person appearing before the Board of Rules and Appeals as a lobbyist must register with the Clerk of the Board of County Commissioners and pay the required fee. Metro-Dade County provides equal access and equal opportunity in employment and does not discriminate on the basis of disability in its programs or services. This document is available in alternative format by calling Kathy Charles, Administrative Officer 1, at 375-2901 to request the information.

"Multiple members of individual community councils may be present".

# FORMAL HEARINGS

## Board of Rules and Appeals

Meeting of March 11, 1999

10:00 A.M.

**TIME**

**Hearings**

1. Quintana, Francisco J.  
(FH-9903.01/A)

Ltr 02-12-99

**Re:** Walbridge Contracting, Inc.  
.  
and/or Jeffrey W. Lee, Q.A.  
Violation of SFBC, Sections  
304.4(b); 2508.5; 516.2(a);  
Chapter 31; 1807.5(d) and 506,  
Fire Division.  
8310 and 8350 South Dixie  
Highway.\*

2. Quintana, Francisco J.      Ltr 02-12-99  
(FH-9903.02/A)

**Re:** Martinez Construction Co., Inc.  
and/or Jesus Martinez, Q.A.  
Violation of SFBC, Section 2404.4  
15933 SW 153 Court;  
Section 2404.4-15950 SW 153 Court;  
Section 2404.4-15965 SW 153 Court.

3. Quintana, Francisco J.      Ltr.02-12-99  
(FH-9903.03/A)

**Re:** Sedano Construction, Inc.  
and/or Ernesto Sedano, Q.A.  
Violation of SFBC, Section 305.2  
9724 SW 125 Terrace.

**\*Note:** Formal Hearing No. 1 has been continued from February 11, 1999 BORA

Hearing at Respondent's request.

**MINUTES OF THE BOARD OF RULES AND APPEALS MEETING ON 03-11-99**

**Attendance:** Thomas Utterback, CH      Richard Horton, VC      Rolando Diaz      Steven L. Johns

John Kurzman      Edward Woodward      Jesus M. Gomez      Gregory Pierce

Moshe Weitz      Robert Barnes      Justin Manuel

Arnold Velazquez      William Riley      William Strachan

**Excused:** Hermine Ricketts

**Absent:** Raymond Niles      Philip J. Knight

**Staff Present:** Francisco J. Quintana, Secretary      Hugo Benitez, Asst. County Attorney

Kathy Charles, Administrative Officer II

**Court Reporter:** Mary Desiderio

**Commenced at 11:20 a.m.**

**FORMAL HEARING**

The following members were present for the Formal Hearing: Mr. Utterback, Mr. Kurzman, Mr. Velazquez, Mr. Gomez, Mr. Manuel, Mr. Pierce, Mr. Woodward, Mr. Johns, Mr. Diaz and Mr. Riley.

Mr. Francisco Quintana, Secretary, informed the Board that both the Walbridge case and the Martinez case have been continued and then referred them to the letters reflecting their status.

**Sedano Construction, Inc. and/or Ernesto Sedano, Q.A.: violation of SFBC Section 305.2, 9724 SW 125 Terrace**

Mr. Benitez, Assistant County Attorney, reviewed the charges and briefly described the procedures of the hearing.

Mr. Steven Simon, representing the Respondent, lodged an objection to the inclusion of an item titled *Construction Checklist* in the County's evidence packet immediately following the contract. Mr. Simon wanted to clarify the document was not part of the contract.

Mr. Roy Milton reviewed the chronology of the case and the permit history.

Mr. Simon was then given an opportunity respond to the allegations and referred the members to the package prepared by him. Specifically, he stated that Mr. Sedano had written to the Building Department twice notifying them that he was barred from the job and could not call for the final inspection. Mr. Simon also stated that the letters demonstrate Mr. Sedano's attempts to comply and therefore his failure to call for mandatory inspections did not meet the standard of willful.

Mr. Sal Morgan, the homeowner in this case, addressed the Board and stated that he never barred the contractor from the premises.

After some discussion, Mr. Velazquez moved to dismiss the case since the county had failed to meet the standard of a willful violation of the Code. Mr. Johns seconded the motion.

Mr. Berman, Deputy Director BCCO, argued that the Code does not have a standard for willfulness, and any failure to comply is a violation.

**Motion carried. 7 to 3 (Mr. Riley, Mr. Woodward, and Mr. Utterback were opposed).**

(For a verbatim version of the aforementioned item, refer to the transcript.)

**Meeting recessed at 12:25 p.m.**

**Meeting reconvened at 1:25 p.m.**

**Mr. Johns excused himself from the vote on the Consent items due to a conflict.**

## **CONSENT AGENDA**

**APPEAL #1: TCO EXTENSION, PERMIT No. 97-5009952, Luis**

**APPEAL #2: TCO EXTENSION, PERMIT No. 97-5001630, Rocha**

**APPEAL #3: TCO EXTENSION, PERMIT No. 97-5004570, Van Grondelle**

**APPEAL #4: TCO EXTENSION, PERMIT No. 97-5011771, Benson**

**APPEAL #5: TCO EXTENSION, PERMIT No. 96-068624, Guthrie**

**APPEAL #6: TCO EXTENSION, PERMIT No. 96-070548, Machado**

**APPEAL #7: TCO EXTENSION, PERMIT No. 96-060857, Cruz**

**APPEAL #8: TCO EXTENSION, PERMIT No. BCC98214, Everingham**

Mr. Kurzman moved to approve the Consent Agenda and Mr. Pierce seconded the motion.

**Motion carried unanimously.**

(For a verbatim version of the aforementioned item, refer to the transcript.)

## **Minutes of February 11, 1998**

Mr. Kurzman moved to accept the minutes of February 11<sup>th</sup> and Mr. Pierce seconded the motion.

**Motion carried unanimously.**

(For a verbatim version of the aforementioned item, refer to the transcript.)

## **APPEAL #1: HISTORICAL WAIVER OF SFBC: City of Coral Gables, 4300 Palmarito Avenue, Residential Addition**

Mr. Smith, the homeowner, requested that the Board grant a waiver of tie downs and straps requirements based on the Section 104.2 of the Code. He suggested that such upgrades to the existing building would be extensive and would permanently damage the architectural aesthetics of the historical house.

Mr. Manny Lopez, Building Official for the City of Coral Gables, stated that he felt the owner had not made an attempt to comply with the Code.

Mr. Velazquez moved to grant the appeal on the determination that the addition is separate from the existing structure and does not fall under the 25% Rule. Mr. Riley seconded the motion.

**Motion carried. 10 to 2 (Mr. Weitz, and Mr. Diaz were opposed).**

(For a verbatim version of the aforementioned item, refer to the transcript.)

## **APPEAL #2: APPEAL OF A BUILDING OFFICIAL'S DECISION: City of South Miami, 6800 SW 64 Street, Chickee**

After listening to Mr. Jeb Bruce, homeowner, Mr. Diaz moved allow the permitting of the structure with the following conditions:

strapping, 40 lbs. per square feet, railings and design embedments. Mr. Kurzman seconded the motion.

**Motion carried unanimously.**

(For a verbatim version of the aforementioned item, refer to the transcript.)

**APPEAL #3: APPEAL OF A BUILDING OFFICIAL'S DECISION: unincorporated Miami-Dade County, 15255 NE 9 Avenue, Wall Air Conditioning Units**

Ms. Margaret Breig described the layout of the structure and the problems she was having meeting the requirements for indoor air quality.

Mr. Horton suggested that she install a ventilator or intake fan, which would accommodate the ASRAE 62-9 and was fairly inexpensive. Mr. Harold Schorendorf, Division Director of the Mechanical Division, indicated that the suggestion would be acceptable.

Ms. Breig agreed with the proposed solutions and no motion was needed.

**APPEAL #4: APPEAL OF A BUILDING OFFICIAL'S DECISION: City of Miami, Miramar Apts. Ltd., 1756 N. Bayshore Drive: Use of Ventless Clothes Dryer**

Mr. Philip Yaffa, representative of Miramar Apts. Ltd., requested that the Board review the decision of the Building Official and allow the use and permitting of the ventless dryer. He argued that Section 4908.3 which requires that a clothes dryer be vented to the outside and Section 4902.1 which defines clothes dryer do not take into consideration the advent of the ventless dryer. Mr. Yaffa introduced Mr. Steven Fuller who then demonstrated its operation.

Mr. Pete Quintela raised some concerns regarding the dryer, including the additional heat load introduced and the overall efficiency of the system.

After some discussion, Mr. Barnes moved to direct the appellant to write state regulators to request a review of the dryer in order to determine whether it complies with the Energy Code. The approval of the ventless dryer as an equal alternate was made conditional on meeting the Energy Code. Mr. Kurzman seconded motion.

**Motion carried unanimously.**

(For a verbatim version of the aforementioned item, refer to the transcript.)

**APPEAL #5: HISTORICAL WAIVER SFBC: City of Homestead, 18 N. Krome Avenue, Product Approval -Windows/Doors**

**Mr. Barnes was absent for this appeal.**

Mr. Tom Lampert, Building Official of the City of Homestead requested a waiver of product approval windows and doors for the Historic Seminole Theatre.

Mr. Johns moved to grant the one-time approval under Section 104.10 based on the historical status of the property. Mr. Velazquez seconded the motion.

**Motion carried unanimously.**

(For a verbatim version of the aforementioned item, refer to the transcript.)

**INTERPRETATION**

Jose Delgado requested an interpretation of the National Electric Code and National Fire Protection Association regarding wiring equipment to be used in corrosive environments. He made specific reference to Williams Island Marina and the use of Nema 3 as opposed to Type 4 X enclosures.

Mr. Riley moved to affirm the City of Aventura's interpretation of the Codes, which require that given a corrosive atmosphere the enclosure should be Type 4X. Mr. Diaz seconded the motion.

**Motion carried. 7 to 4 (Mr. Kurzman, Mr. Barnes, Mr. Gomez and Mr. Velazquez were opposed.)**

(For a verbatim version of the aforementioned item, refer to the transcript.)

**REPORTS**

**Annual Board Report**

Mr. Johns move to approve the Board Annual report and Mr. Diaz seconded the motion.

**Motion carried unanimously.**

(For a verbatim version of the aforementioned item, refer to the transcript.)

**Certification of Inspectors/Plans Examiners for March**

Mr. Herminio Gonzalez, Chief Code Compliance Division, reported the individuals recommended for New Certification for March. .

Mr. Kurzman moved to approve the list of individual recommended for New Certification. Mr. Pierce seconded the motion.

**Motion carried unanimously.**

(For a verbatim version of the aforementioned item, refer to the transcript.)

**Approved:**

**New Certification**

**INSPECTOR REPRESENTING DISCIPLINES**

- Ares, Eliseo Miami Plans Examiner (Plumbing)
- Partovi, Mohammad Miami Beach Plans Examiner (Building)
- Plans Examiner (Structural)
- Building Inspector Structural
- Ramirez, Roberto Key Biscayne Plumbing Inspector
- Santiago, Eugenio M. Key Biscayne Building Official
- Siaba, Hiram G. Miami Beach Building Inspector Structural
- Tarafa, Rene F. Pinecrest Plans Examiner (Building)
- Roofing Inspector (Comm.)
- Roofing Inspector (Res.)
- Building Inspector Structural
- Valderrama, Freddy Dade County Plans Examiner (Building)

Mr. Jan Pierre Perez requested to address the Board regarding his rejection for certification as a Plans Examiner (Mechanical).

Mr. Pete Quintela informed the Board that the application was rejected because he did not hold the Dade County Mechanical license for the required ten years under SFBC 4901.2(a)(1)(bb).

After some discussion, Mr. Weitz moved to approve Mr. Perez for certification since the Code does not specify the number of years needed under the County license. Mr. Diaz seconded the motion.

**Motion carried unanimously.**

(For a verbatim version of the aforementioned item, refer to the transcript.)

Mr. Ted Berman, Deputy Director, reported to the Board that the Building Code and Product Review Committee reviewed the BORA referral on waterproofing and would like some members to sit on their Subcommittee to further address this matter.

Mr. Johns, Mr. Pierce Mr. Horton and Weitz were named to the joint Waterproofing Subcommittee.

Mr. Utterback asked the member to be more diligent in their attendance of the Formal Hearing so that the Board could properly meet their new responsibilities.

Mr. Velazquez moved to have Mr. Benitez consider drafting an Ordinance to create probable cause panels, allow legal counsel for Staff

and the County and recover administrative costs of the hearings. Mr. Horton seconded the motion.

**Motion carried unanimously.**

(For a verbatim version of the aforementioned item, refer to the transcript.)

**Meeting concluded at 4:15 p.m.**

# FORMAL HEARINGS

## Board of Rules and Appeals

Meeting of April 15, 1999

10:00 A.M.

**TIME**

**Hearings**

- |  |               |   |
|--|---------------|---|
| 1. Quintana, Francisco<br><b>(FH-9904.01/A)</b>    | Ltr. 03-19-99 | <b>Re:</b> Faunce, Lester L., Sole Proprietor<br>and/or Qualifying Agent<br>Violation of SFBC<br>Section 301.1, Failure to obtain<br>mandatory building permit;<br>Section<br>301.1, failure to obtain<br>mandatory<br>electrical permit; Section<br>301.1,<br>failure to obtain mandatory<br>plumbing<br>permit-3015 N. Bay Road,<br>Miami<br>Beach. |
| 2. Quintana, Francisco J.<br><b>(FH-9904.02/A)</b> | Ltr 03-16-99  | <b>Re:</b> Home Emergency Services, Inc.<br>and/or<br>Luigi Grilla, Q.A.; Violation of SFBC,<br>Sections 301 and 305.2, 14700 NE 9<br>Avenue, 5738 SW 41 Street and 2971<br>NW 69 Street  |

3. Quintana, Francisco J.      **Deferred**  
**(FH-9904.03/A)**

**Re:** Walbridge Contracting, Inc. .  
and/or Jeffrey W. Lee, Q.A.  
Violation of SFBC, Sections  
304.4(b); 2508.5; 516.2(a);  
Chapter 31; 1807.5(d) and 506,  
Fire Division.  
8310 and 8350 South Dixie Highway  
.

4. Quintana, Francisco J.      **Deferred to May**  
**FH-9904.04/A)**                    **BORA**

**Re:** Martinez Construction Co. Inc.  
and/or  
Jesus Martinez, Q.A.  
Violation of SFBC, Section 2404.4  
15933 SW 153 Court;  
Section 2404.4-15950 SW 153 Court;  
Section 2404.4-15950 SW 153 Court

# MINUTES OF THE BOARD OF RULES AND APPEALS MEETING ON 04-15-99

**Attendance:** Thomas Utterback, CH Rolando Diaz Steven L. Johns  
John Kurzman Jesus M. Gomez Gregory Pierce  
Moshe Weitz Robert Barnes William Strachan  
Arnold Velazquez

**Excused:** Philip J. Knight William Riley Justin Manuel  
Steven L. Johns Richard Horton, VC Edward Woodward

**Absent:** Raymond Niles

**Staff Present:** Francisco J. Quintana, Secretary Jeff Ehrlich, Asst. County Attorney  
Kathy Charles, Administrative Officer II Hugo Benitez, Asst. County Attorney

**Court Reporter:** Dawn Whitmarsh

**Commenced at 10:35 a.m.**

## FORMAL HEARING

The following members were present for the Formal Hearing: Mr. Utterback, Mr. Kurzman, Mr. Velazquez, Mr. Gomez, Mr. Salvador, Mr. Pierce, Mr. Strachan, Mr. Barnes Mr. Weitz and Mr. Diaz.

Mr. Francisco Quintana, Secretary, informed the Board that both the Walbridge case and the Martinez case have been continued. He then proceeded to read into the record the charges for the first case.

*All witnesses for the Formal Hearings were sworn in by the Court Reporter.*

**Case #1: Lester L. Faunce and/or Qualifying: Violation of SFBC Section 301.1-3015 N. Bay Road, Miami Beach.**

Mr. Jeff Ehrlich, Assistant County Attorney, reviewed the charges and briefly described the procedures of the hearing.

Mr. Kahn, representing the Respondent, moved to dismiss the case.

After some discussion, Mr. Velazquez moved to deny the motion for dismissal. Mr. Gomez seconded the motion.

**Motion carried unanimously.**

(For a verbatim version of the aforementioned item, refer to the transcript.)

Mr. Danny Vuelta, Code Compliance Investigator representing the County, gave his opening statement regarding the charges and indicated that he would prove the violations through the testimony and documents presented by the Miami Beach Building Department. He then proceeded to question Ms. Jerri Goodkin, Building Inspector for the City of Miami Beach, on her investigation of this matter. Together they reviewed the permit history of the property and the chronology of the case.

Mr. Kahn raised an objection to the use of information included in the Board's package, specifically the court depositions. He indicated that he did not have adequate time to review the documentation.

After some discussion, Mr. Salvador moved to allow a ten-minute recess for the respondent to review the information and Mr. Gomez seconded the motion.

**Motion carried. 7 to 3. (Mr. Weitz, Mr. Pierce, and Mr. Utterback were opposed)**

(For a verbatim version of the aforementioned item, refer to the transcript.)

**Meeting reconvened at 11:15 AM.**

The County continued to present their evidence to the Board and Mr. Kahn conducted his cross-examination of Ms. Goodkin. He then called Mr. Lester Faunce to testify.

Mr. Faunce acknowledged that some of his work might have been performed without proper permits. However, he stated that he did not do any electrical or plumbing work at the property. He indicated that he thought that the owner should be held accountable for the plumbing and electrical performed at the property without proper permits. Mr. Faunce also assured the Board that he has no prior complaints on his license.

Mr. Utterback closed the hearing for deliberation.

After some discussion, Mr. Diaz moved to find the respondent guilty as to **Count 1** and Mr. Kurzman seconded the motion.

**Motion carried unanimously.**

(For a verbatim version of the aforementioned item, refer to the transcript.)

Mr. Diaz moved to find the respondent guilty as to **Count 2** and Mr. Salvador seconded the motion.

**Motion carried unanimously.**

(For a verbatim version of the aforementioned item, refer to the transcript.)

Mr. Diaz moved to find the respondent guilty as to **Count 3** and Mr. Salvador seconded the motion.

**Motion carried unanimously.**

(For a verbatim version of the aforementioned item, refer to the transcript.)

Mr. Velazquez moved to issue a letter of reprimand, require 16 additional hours of continuing education and a six-month suspension of licenses. Mr. Diaz seconded the motion.

**Motion failed.**

(For a verbatim version of the aforementioned item, refer to the transcript.)

Mr. Kurzman moved to issue a letter of reprimand, require 16 hours of continuing education and one year suspension of

permitting privileges. Mr. Salvador seconded the motion.

**Motion carried. 9 to 1 (Mr. Velazquez opposed.)**

(For a verbatim version of the aforementioned item, refer to the transcript.)

Mr. Weitz suggested that the City of Miami Beach or BCCO Staff investigate the claims that an engineer was involved in directing the electrical and plumbing work performed on the property.

**Case #2: Home Emergency Services, Inc. and/or Luigi Grilla, Q.A.; Violations of SFBC 310 and 305.2, 14700 NE 9 Avenue 5738 SW 41Street and 2971 NW 69 Street**

The charges were read into the record and the County presented their case. As their evidence of the violations was submitted, Mr. Vuelta received testimony from Mr. Dale Bowlin, Code Compliance Investigator, who outlined the SFBC violations. Mr. Bowlin also established the proper service of the charges and concluded the presentation.

**Mr. Grilla was not present at the meeting.**

The Board did here testimony from the homeowners involved on the hardships suffered by the Respondents actions.

Mr. Utterback closed the case for deliberation.

Mr. Kurzman moved to find the respondent guilty as to **Count 1, Count 2, Count 3, Count 4 Count 5, Count 6, Count 7 and Count 8**. Mr. Velazquez seconded the motion.

**Motion carried unanimously.**

(For a verbatim version of the aforementioned item, refer to the transcript.)

Mr. Kurzman moved to suspend the respondent's permitting privileges for six months per count, to recommend to the State that the license be suspended or revoked and that restitution made to homeowners. A recommendation that the Building Department waive the applicable permit fees and that this matter be referred to the appropriate agency to investigate the mortgage lending activity was also made part of the motion. Mr. Diaz seconded the motion.

**Motion carried. 8 to 2 (Mr. Barnes and Mr. Weitz were opposed.)**

(For a verbatim version of the aforementioned item, refer to the transcript.)

**Meeting recessed at 12:35 p.m.**

**Meeting reconvened at 1:45 p.m.**

**Mr. Gomez was not present for the afternoon session.**

## **CONSENT AGENDA**

**APPEAL #1: TCO EXTENSION, PERMIT No. 96-5017655, Jarman**

**APPEAL #2: TCO EXTENSION, PERMIT No. 95-00420, Mucenic**

**APPEAL #3: TCO EXTENSION, PERMIT No. B8800095, Kaloczy**

**APPEAL #4: TCO EXTENSION, PERMIT No. BCC99031, Beilinson**

**APPEAL #5: TCO EXTENSION, PERMIT No. 98-014992, Crompton**

**APPEAL #6: TCO EXTENSION, PERMIT No. 96-086237, Fine**

**APPEAL #7: TCO EXTENSION, PERMIT No. 98-5010296, McCoy**

Mr. Kurzman moved to approve the Consent Agenda and Mr. Pierce seconded the motion.

**Motion carried unanimously.**

(For a verbatim version of the aforementioned item, refer to the transcript.)

**Minutes of March 11, 1999**

Mr. Kurzman moved to accept the minutes of March 11<sup>th</sup> with additional language presented by Mr. Velazquez regarding the composition of the disciplinary panels. Mr. Velazquez seconded the motion.

**Motion carried unanimously.**

(For a verbatim version of the aforementioned item, refer to the transcript.)

**APPEAL #1: APPEAL OF BUILDING OFFICIAL'S DECISION Unincorporated Miami-Dade Creole Cuisine Restaurant, 20601 NW 2<sup>nd</sup> Avenue, Section 4613.19(n)(11) and 4613.16(a)**

Mr. Andrew Ansin addressed the Board and requested the Building Official decision be over ruled. They asked to be allowed to use a laundry tray as a service sink not be required to install the elongated toilet.

After some discussion, Mr. Weitz moved to approve the use of the service sink since the Code is silent on those requirements. However, but the installation of the elongated toilet was required. Mr. Velazquez seconded the motion.

**Motion carried unanimously.**

(For a verbatim version of the aforementioned item, refer to the transcript.)

**APPEAL #3: APPEAL OF A BUILDING OFFICIAL'S DECISION: City of Miami Beach, 1211 Alton Road Headroom Requirements**

Mr. William Taylor explained that the doorway entry height could not be brought up to code without destroying the roof or flooring of this home built in 1935. He urged the members to consider the historical value of the home and grant a waiver of the required headroom space.

After some discussion, Mr. Salvador moved to deny the appeal and suggested that he meet with the Building Official to review the options for compliance. Mr. Diaz seconded the motion.

**Motion carried unanimously.**

(For a verbatim version of the aforementioned item, refer to the transcript.)

**APPEAL #4: APPEAL OF A BUILDING OFFICIAL'S DECISION: City of Coral Gables, 9321 SW 56 Court: Revocation of Permit for Tennis Court Lights**

Mr. Rodney Mandelstam argued that the grounds for revocation of the permit under SFBC Section 304.4 are the falsification of records and other fraud in the application process. He indicated this did not occur in this case. Mr. Mandelstam contended that Coral Gable should be made to show *good cause* for their action.

Mr. Benitez, Assistant County Attorney, suggested that the central issue for interpretation was whether the Building Official should have issued then revoked the permit given all the applicable laws he is aware of at the time. He also stated the Section 305.1 (3) also addresses prior approval, which should not be construed as approval of violations of the provisions of the Code, other applicable ordinances or regulations.

Mr. Diaz moved to deny the appeal since the City of Coral Gables Building Official was not aware the restrictions of pertinent regulations. Mr. Pierce seconded the motion.

**Motion carried unanimously.**

(For a verbatim version of the aforementioned item, refer to the transcript.)

Mr. Mandelstam again voiced his objection for the record.

**APPEAL #5: APPEAL OF A BUILDING OFFICIAL'S DECISION: City of Miami Beach, St. Tropez Condominium, 7330 Ocean Terrace Alternative Deck Coating Systems**

The members discussed briefly the efforts the Waterproofing Subcommittee established last month to review these issues.

Mr. Barnes moved to grant the appeal. Mr. Kurzman seconded the motion.

**Motion carried unanimously.**

(For a verbatim version of the aforementioned item, refer to the transcript.)

**APPEAL #6: APPEAL OF A BUILDING OFFICIAL'S DECISION, City of Coral Gables 220 Alhambra Section 4611.1 and 4605 of SFBC Water Drainage.**

Mr. Manual Mesa requested that the Board ensure the enforcement of SFBC Sections 4611.1 and 4605, which described the proper methods for drainage of water. He argued that the water drains from the property located at 220 Alhambra onto his client's property, which is just adjacent and causes substantial. Mr. Mesa urged the Board to require that the problem be addressed and that the parties comply with the Code.

Manny Lopez, Building Official of the City of Coral Gables, stated the Certificate of Occupancy was issued properly and there are no violations of the Code at the 220 Alhambra property. He stated that excess water on Mr. Alexander's property could not be confirmed to be a result of the water drainage at the 220 Alhambra.

After some discussion, Mr. Diaz moved to deny the appeal finding that the Certificate of Occupancy was issued properly. Mr. Velazquez seconded the motion.

**Motion carried. 5 to 4**

(For a verbatim version of the aforementioned item, refer to the transcript.)

**APPEAL #7: APPEAL BASED ON SECTION 203.4: City of Miami Beach, Loews Hotel Emergency Generator Louver and Smoke Dampers.**

Ms. Ronda Montoya, Assistant Attorney City of Miami Beach, argued that the Board of Rules and Appeals was not the proper forum to hear this appeal. She also voiced her objection to hearing the appeal before ruling on the jurisdictional argument.

After hear the appellant, Mr. Diaz moved to accept the jurisdictional argument and not address the appeal. Mr. Barnes seconded the motion.

**Motion failed. 2 to 7 (Mr. Diaz and Mr. Kurzman were in favor.)**

(For a verbatim version of the aforementioned item, refer to the transcript.)

**The meeting reconvened at 4:45 p.m. after a short recess.**

Mr. Stiloff argued that the emergency generator room wall is an exterior wall and does not require a fire damper. He disagreed with the Fire Departments interpretation of the Building Code and offered to provide a one and half fire rating for the doors of the room.

After some discussion, Mr. Weitz moved to approve the appeal on the emergency generator louvers with the condition of the one-hour fire rated doors. Mr. Velazquez seconded the motion.

**Motion carried unanimously.**

(For a verbatim version of the aforementioned item, refer to the transcript.)

The City of Miami Beach Fire Department expressed their concern about the smoke migration and therefore they were requiring the smoke dampers for the electrical/ice room.

Mr. Strachan moved to approve the appeal and determined that smoke dampers were not required based by the applicable codes for a room that was basically an ice room. Mr. Kurzman seconded the motion.

**Motion carried unanimously.**

(For a verbatim version of the aforementioned item, refer to the transcript.)

## **TCO/TCC REQUESTS**

### **ITEM #1: TCO EXTENSION, PERMIT No. 93-278779, Gonzalez**

Mr. Jaun Gonzalez addressed the Board and informed them of the progress of the deluge system at the Miami International Airport.

Mr. Weitz moved to approve the TCO for 90 days given the report by Mr. Gonzalez and Mr. Velazquez seconded the motion.

**Motion carried unanimously.**

(For a verbatim version of the aforementioned item, refer to the transcript.)

### **APPEAL #2: TCC EXTENSION, MASTER PERMIT No. 12086 and No. 12088, Grabill**

Ms. Elizabeth Hernandez, City of Coral Gables Assistant Attorney, raised objection to the issuance of the extensions the permits at Sunset Shops based on a dispute the City of Coral Gables between the City of South Miami associated with the disposal/transmission of sewage for that area.

Mr. Weitz moved to grant a 30-day Extension and defer the item until the next Board meeting in light of the conflict. Mr. Barnes seconded the motion.

**Motion failed. 3 to 6**

(For a verbatim version of the aforementioned item, refer to the transcript.)

After some discussion, Mr. Pierce moved to grant the 60 day extension and Mr. Velazquez seconded the motion.

**Motion carried unanimously.**

(For a verbatim version of the aforementioned item, refer to the transcript.)

## **INTERPRETATION**

### **Item #1: Request for Interpretation-Charles Danger, P.E., Building Official Unincorporated Dade County, Pool Edges NSPI-S Article VII, Section 7.1.4**

Mr. Diaz moved to defer this item until the May 13, 1999 meeting. Mr. Salvador seconded the motion.

**Motion carried unanimously.**

(For a verbatim version of the aforementioned item, refer to the transcript.)

## **REPORTS**

### **Certification of Inspectors/Plans Examiners for April**

Mr. Velazquez reported on the recommendation of the Certification Subcommittee. He moved to approve the list of individuals recommended for New Certification. Mr. Pierce seconded the motion.

**Motion carried unanimously.**

(For a verbatim version of the aforementioned item, refer to the transcript.)

**Approved:**

**New Certification**

**INSPECTOR REPRESENTING DISCIPLINES**

Diaz, Miguel A. Dade County Plans Examiner (Building)

Garcia, Juan A. Dade County Plans Examiner (Structural)

Gomez, Ricardo S. Dade County Plans Examiner (Structural)

Hernandez, Robert Pinecrest Plumbing Inspector

Plans Examiner Plumbing

Joo, Yun Sool Dade County Plans Examiner (Structural)

Khan, Mohammad S. Dade County Plans Examiner (Structural)

Ramirez, Roberto Key Biscayne Plumbing Inspector

Requejo, Joe M. Pinecrest Plans Examiner (Building)

Building Inspector Structural

Mr. Velazquez requested that the Board consider recommending Mr. Ahamed Irtishad as a Structural Plans Examiner given the qualifications in the structural field.

Mr. Diaz moved to recommend rejection of Mr. Irtishad's certification at this time since he did not meet the specific structural engineering registration required by the Code.

**Motion carried. 8 to 1. (Mr. Velazquez was opposed.)**

(For a verbatim version of the aforementioned item, refer to the transcript.)

Mr. Velazquez also requested that the Board consider recommending Mr. Roberto Rodriguez as a Mechanical Plans Examiner given his qualification as a certified Plans Examiner and the additional Monroe County Mechanical Licenses.

Mr. Diaz moved to instruct Mr. Rodriguez to submit the supporting documentation to Staff and to defer this matter until submitted by Staff. Mr. Pierce seconded the motion.

**Motion carried unanimously.**

(For a verbatim version of the aforementioned item, refer to the transcript.)

**Meeting concluded at 5:50 p.m.**

**MINUTES OF THE BOARD OF RULES AND APPEALS MEETING ON**  
**05-13-99**

**Attendance:** Richard Horton, VC Rolando Diaz William Riley  
Jesus M. Gomez Gregory Pierce Arnold Velazquez  
Moshe Weitz Robert Barnes William Strachan  
Arnold Velazquez Edward Woodward

**Excused:** Thomas Utterback, CH John Kurzman

**Absent:** Raymond Niles Philip J. Knight Justin Manuel

**Staff Present:** Francisco J. Quintana, Secretary Hugo Benitez, Asst. County Attorney  
Kathy Charles, Administrative Officer II

**Court Reporter:** Mary Desiderio

**Commenced at 1:35 a.m.**

**Minutes of April 15, 1999**

Mr. Salvador moved to accept the minutes of April 15<sup>th</sup> and Mr. Diaz seconded the motion.

**Motion carried unanimously.**

(For a verbatim version of the aforementioned item, refer to the transcript.)

**CONSENT AGENDA**

**APPEAL #1: TCO EXTENSION, PERMIT No. 94-077897, Marina Funding Group**

**APPEAL #2: TCO EXTENSION, PERMIT No. B9801292, Fine**

**APPEAL #3: TCO EXTENSION, PERMIT No. 95-5008752, Cacciamani**

get the cooperation of the neighboring homeowners.

Charles Danger, Building Official of Unincorporated Miami-Dade County, stated that there was a misconception held by the public and perhaps the pool industry that the fences installed to enclose backyards necessarily meet the requirements a pool barrier. He explained that the fences were not approved to meet the standard for a pool barrier.

After some discussion, Mr. Salvador moved to defer the appeal for thirty days allowing the Building Department, the appellant and the owners time to review all the options for compliance. The effected permit was also extended for that time period as a part the motion. Mr. Velazquez seconded the motion.

**Motion carried unanimously.**

(For a verbatim version of the aforementioned item, refer to the transcript.)

**APPEAL #8: APPEAL OF THE BUILDING OFFICIAL: City of Hialeah, 668 E. 34 Street, Section 104.2 25% Rule on Additions.**

Mr. Alonso argued that the 25% Rule in the Code should not be applied to the detached garage that is being constructed on his property. He explained that the two-car garage is separate from the existing home. Mr. Alonso stated that this construction did not constitute adding, altering or increasing the floor size of the existing building.

Ruben Farach, Building Official of Hialeah, stated that as he interpreted the Code the construction of the garage represents a substantial addition. He added that the two-car garage will serve the main structure and in practical sense can not stand alone. Mr. Farach argued that the *intent* of the 25% Rule of the Code is to address these major improvements like this where the main residence is 1060 square feet and the new addition will be about 650 square feet.

After some discussion of the this issue by the Board, Mr. Weitz moved to grant the appeal finding that the addition did not impact the existing building. Mr. Barnes seconded the motion.

**Motion carried unanimously.**

(For a verbatim version of the aforementioned item, refer to the transcript.)

**APPEAL #9: APPEAL OF THE BUILDING OFFICIAL: Unincorporated Miami-Dade County, 3636 SW 148 Street, Section 5007 Pool Barriers.**

Mr. Joe Moreno expressed his concern that the Building Department was misinterpreting the Code with reference to the acceptability of six-foot wide fence, specifically the shadow box type. He rejected the interpretation that this style of fence was climbable and did not meet the standards outlined in ANSI/NSPI-5 and the SFBC Chapter 50. He then made references to those supporting standards in his presentation.

The Board discussed in general the allowable distances between the vertical slats and vertical distance between the horizontal member of the fences. They encouraged Mr. Moreno to seek additional information from ANSI on pool barrier standards.

After much discussion, Mr. Diaz moved to deny the appeal and Mr. Salvador seconded the motion.

**Motion carried 7 to 3. (Mr. Barnes, Mr. Strachan and Mr. Velazquez were opposed.)**

(For a verbatim version of the aforementioned item, refer to the transcript.)

**TCO/TCC REQUESTS**

**APPEAL #1: TCC EXTENSION, MASTER PERMIT No. 12086, Grabill**

Ms. Burke, City of South Miami Assistant Attorney, presented an index of documents that outline the events in this case. She argued that the Building Official has recommended this Extension and that South Miami has also meet the requirements of DERM with regard to the disposal of sewage for the shopping center.

Mr. John Subin raised objection to the issuance of the extensions the permits at Sunset Shops based on a dispute between

the City of Coral Gables and the City of South Miami associated with the disposal/transmission of sewage for that area. He argued that under Section 307.5 of the SFBC the building permitted must continue to meet all sanitary requirements to remain valid. Since Coral Gables has withdrawn the right for City of South Miami to use the underlying lines to service these Shops, then this party fails to meet one of the permit stipulations. Mr. Shubin proffered that he could present testimony, supporting his argument.

After some discussion, Mr. Velazquez moved to grant the extension and Mr. Strachan seconded the motion.

**Motion carried unanimously.**

(For a verbatim version of the aforementioned item, refer to the transcript.)

## **INTERPRETATION**

### **Item #1: Request for Interpretation-Charles Danger, P.E., Building Official Unincorporated Dade County, Pool Edges NSPI-S Article VII, Section 7.1.4**

Mr. Barnes moved to determine that pool decks are addressed by the existing Code to also apply to coping, therefore if the deck around the pool reaches the edge of the pool and in essence becomes the coping, the edge should be relieved to eliminate sharp corners. Mr. Pierce seconded the motion.

**Motion carried unanimously.**

(For a verbatim version of the aforementioned item, refer to the transcript.)

## **REPORTS**

### **Certification of Inspectors/Plans Examiners for May**

Mr. Velazquez reported on the recommendation of the Certification Subcommittee. He also indicated that Mr. Ramiro Baptista had presented additional documents to the Building Code Compliance Office and could be added to the list of individual recommended.

Mr. Salvador moved to approve the list of individuals recommended for New Certification including Mr. Baptista. Mr. Pierce seconded the motion.

**Motion carried unanimously.**

(For a verbatim version of the aforementioned item, refer to the transcript.)

**Approved:**

### **New Certification**

## **INSPECTOR REPRESENTING DISCIPLINES**

Annese, Salvatore D. Medley Building Official

Plans Examiner (Building)

Building Inspector Structural

Roofing Inspector (Comm.)

Roofing Inspector (Res.)

Batista, Ramiro A. Opa Locka Building Inspector Structural

Roofing Inspector (Comm.)

Roofing Inspector (Res.)

Del Castillo, Rafael Miami Plans Examiner (Building)

Pielago , Raul Coral Gables Building Inspector Structural

Vega, Orlando Dade County Building Inspector Structural

Whitaker, James M. Pinecrest Electrical Inspector

Plans Examiner (Electrical)

Mr. Roberto Rodriguez requested certification as a Mechanical Plans Examiner presented and his qualification as a State certified Plans Examiner and the Monroe County Mechanical Licenses.

Mr. Weitz moved to approve the Certification of Mr. Rodriguez as Mechanical Plans Examiner. Mr. Velazquez seconded the motion.

**Motion carried unanimously.**

(For a verbatim version of the aforementioned item, refer to the transcript.)

Mr. Jore Alvarez also requested that his De-certification be delayed so that he could appeal to the State and cure his delinquent status. He asked for some consideration since the problems stem from a failure to make payments.

After some discussion, Mr. Pierce moved to table this item until next month so that Mr. Alvarez could finalize the appropriate appeal with the State. Mr. Velazquez seconded the motion.

**Motion carried unanimously.**

(For a verbatim version of the aforementioned item, refer to the transcript.)

Mr. Horton appointed Mr. Pierce and Mr. Woodward to the Certification Subcommittee to help Mr. Velazquez and Mr. Salvador review the recommendations.

### **EMERGENCY AGENDA**

Mr. Pierce moved to hear the appeal and Mr. Woodward seconded the motion.

**Motion carried unanimously.**

(For a verbatim version of the aforementioned item, refer to the transcript.)

### **APPEAL #1: APPEAL OF BUILDING OFFICIAL'S DECISION; City of Miami Barclays Financial Center, Curtain Wal Design**

Several aspects of the appeal were discussed ranging from impact loads to standards for safety glazing and performance specification.

Due to the complexity of the subject and the need for additional time, Mr. Horton sent this item to a Subcommittee which can report their recommendations to the full Board. Mr. Weitz, Mr. Gomez, and Mr. Diaz were appointed to this Subcommittee.

**Meeting concluded at 5:50 p.m.**

**MINUTES OF THE BOARD OF RULES AND APPEALS MEETING ON 06-17-99**

**Attendance:** Thomas Utterback, CH Richard Horton, VC William Riley Justin Manuel  
 Jesus M. Gomez Gregory Pierce Enrique Salvador  
 Moshe Weitz Robert Barnes William Strachan  
 Arnold Velazquez Edward Woodward John Kurzman

**Excused:** Philip J. Knight Rolando Diaz

**Absent:** Earl Raymond Niles, Esq.

**Staff Present:** Francisco J. Quintana, Secretary Hugo Benitez, Asst. County Attorney  
 Kathy Charles, Administrative Officer II

**Court Reporter:** Dawn Whitmarsh

**Commenced at 1:15 p.m.**

**Minutes of May 13, 1999**

Mr. Woodard moved to accept the minutes of May 13<sup>th</sup> and Mr. Salvador seconded the motion.

**Motion carried unanimously.**

(For a verbatim version of the aforementioned item, refer to the transcript.)

**CONSENT AGENDA**

- APPEAL #1: TCO EXTENSION, PERMIT No. BC099047, Nesse**
- APPEAL #2: TCO EXTENSION, PERMIT No. 965008953, Vlaun**
- APPEAL #3: TCO EXTENSION, PERMIT No. 97-5001630, Gonzalez**
- APPEAL #4: TCO EXTENSION, PERMIT No. 9500420, Mucenic**
- APPEAL #5: TCO EXTENSION, PERMIT No. B9500406, Meunier**
- APPEAL #6: TCO EXTENSION, PERMIT No. 9606864, Guthrie**

Mr. Woodward moved to approve the Consent Agenda and Mr. Horton seconded the motion.

**Motion carried unanimously.**

(For a verbatim version of the aforementioned item, refer to the transcript.)

**APPEAL #2: REQUEST FOR HISTORICAL WAIVER: City of Miami Beach, Banana Republic, 1100 Lincoln Road, Section 104.10 Historic Buildings, Handrails**

Mrs. Suzanne Malik, Senior Project Manager with Gap, Inc., addressed the Board and stated that the stairs have existing handrails and to repair

them will damage the existing walls.

After some discussion, Mr. Kurzman addressed the County Attorney about the Code regarding historic sites and moved to grant the extension.

Mr. Pierce seconded the motion.

**Motion carried unanimously.**

(For a verbatim version of the aforementioned item, refer to the transcript.)

**APPEAL #3: REQUEST FOR HISTORICAL WAIVER: City of Miami Beach, The Carillon Hotel, 6801 Collins Avenue, Section 104 Historic Buildings**

Mr. Robert Fine explained that this project has been down zoned five times and requests that the Board grant their appeal and allow the Carillon to undergo its alterations without being required to modify its shear walls at the foundation. Mr. Fine further stated that the shear wall can withstand a strong wind.

Mr. Diaz moved to also grant the appeal with the conditions that additional signage be used and the existing lighting be placed on the emergency generator. Mr. Barnes seconded the motion.

**Motion carried unanimously.**

(For a verbatim version of the aforementioned item, refer to the transcript.)

**APPEAL #4: APPEAL OF A BUILDING OFFICIAL'S DECISION: City of South Miami, 5830 SW 84 Steet: Reinstatement of Permit**

Mr. Andrews requested that the Board extend his permit in order to complete the final inspection on the pool enclosure at his property. He explained that the enclosure was completed in the wake of Andrew but the final was never done and the contractor is no longer in business. Mr. Andrew stated that the Building Official had no objection at this time given the quality of the structure and the circumstances of a pending sale.

Mr. Diaz moved to reinstate the permit and Mr. Diaz seconded the motion.

**Motion carried unanimously.**

(For a verbatim version of the aforementioned item, refer to the transcript.)

**APPEAL #6: APPEAL OF A BUILDING OFFICIAL'S DECISION, Unincorporated Miami-Dade County Quail Roost Drive 132 Ave. SFBC 5007 Pool Barriers.**

Mr. John Yanoviak requested that the Board find that the fences located at the development meet the requirements of pool barriers. He stated that the construction of the eight swimming pools was completed but difficulties developed at the time of final inspection. He informed the members that he was then advised that the preexisting fences, actually located on adjacent property, did not meet the pool barrier requirements. Mr. Yanoviak also described the efforts that were made to get the cooperation of the neighboring homeowners.

Charles Danger, Building Official of Unincorporated Miami-Dade County, stated that there was a misconception held by the public and perhaps the pool industry that the fences installed to enclose backyards necessarily meet the requirements a pool barrier. He explained that the fences were not approved to meet the standard for a pool barrier.

After some discussion, Mr. Salvador moved to defer the appeal for thirty days allowing the Building Department, the appellant and the owners time to review all the options for compliance. The effected permit was also extended for that time period as a part the motion. Mr. Velazquez seconded the motion.

**Motion carried unanimously.**

(For a verbatim version of the aforementioned item, refer to the transcript.)

**APPEAL #8: APPEAL OF THE BUILDING OFFICIAL: City of Hialeah, 668 E. 34 Street, Section 104.2 25% Rule on Additions.**

Mr. Alonso argued that the 25% Rule in the Code should not be applied to the detached garage that is being constructed on his property. He explained that the two-car garage is separate from the existing home. Mr. Alonso stated that this construction did not constitute adding, altering or increasing the floor size of the existing building.

Ruben Farach, Building Official of Hialeah, stated that as he interpreted the Code the construction of the garage represents a substantial addition. He added that the two-car garage will serve the main structure and in practical sense can not stand alone. Mr. Farach argued that the *intent* of the 25% Rule of the Code is to address these major improvements like this where the main residence is 1060 square feet and the new addition will be about 650 square feet.

After some discussion of the this issue by the Board, Mr. Weitz moved to grant the appeal finding that the addition did not impact the existing building. Mr. Barnes seconded the motion.

**Motion carried unanimously.**

(For a verbatim version of the aforementioned item, refer to the transcript.)

**APPEAL #9: APPEAL OF THE BUILDING OFFICIAL: Unincorporated Miami-Dade County, 3636 SW 148 Street, Section 5007 Pool Barriers.**

Mr. Joe Moreno expressed his concern that the Building Department was misinterpreting the Code with reference to the acceptability of six-foot wide fence, specifically the shadow box type. He rejected the interpretation that this style of fence was climbable and did not meet the standards outlined in ANSI/NSPI-5 and the SFBC Chapter 50. He then made references to those supporting standards in his presentation.

The Board discussed in general the allowable distances between the vertical slats and vertical distance between the horizontal member of the fences. They encouraged Mr. Moreno to seek additional information from ANSI on pool barrier standards.

After much discussion, Mr. Diaz moved to deny the appeal and Mr. Salvador seconded the motion.

**Motion carried 7 to 3. (Mr. Barnes, Mr. Strachan and Mr. Velazquez were opposed.)**

(For a verbatim version of the aforementioned item, refer to the transcript.)

**TCO/TCC REQUESTS**

**APPEAL #1: TCC EXTENSION, MASTER PERMIT No. 12086, Grabill**

Ms. Burke, City of South Miami Assistant Attorney, presented an index of documents that outline the events in this case. She argued that the Building Official has recommended this Extension and that South Miami has also meet the requirements of DERM with regard to the disposal of sewage for the shopping center.

Mr. John Subin raised objection to the issuance of the extensions the permits at Sunset Shops based on a dispute between the City of Coral Gables and the City of South Miami associated with the disposal/transmission of sewage for that area. He argued that under Section 307.5 of the SFBC the building permitted must continue to meet all sanitary requirements to remain valid. Since Coral Gables has withdrawn the right for City of South Miami to use the underlying lines to service these Shops, then this party fails to meet one of the permit stipulations. Mr. Shubin proffered that he could present testimony, supporting his argument.

After some discussion, Mr. Velazquez moved to grant the extension and Mr. Strachan seconded the motion.

**Motion carried unanimously.**

(For a verbatim version of the aforementioned item, refer to the transcript.)

**INTERPRETATION**

**Item #1: Request for Interpretation-Charles Danger, P.E., Building Official Unincorporated Dade County, Pool Edges NSPI-S Article VII, Section 7.1.4**

Mr. Barnes moved to determine that pool decks are addressed by the existing Code to also apply to coping, therefore if the deck around the pool reaches the edge of the pool and in essence becomes the coping, the edge should be relieved to eliminate sharp corners. Mr. Pierce seconded the motion.

**Motion carried unanimously.**

(For a verbatim version of the aforementioned item, refer to the transcript.)

**REPORTS**

**Certification of Inspectors/Plans Examiners for May**

Mr. Velazquez reported on the recommendation of the Certification Subcommittee. He also indicated that Mr. Ramiro Baptista had presented additional documents to the Building Code Compliance Office and could be added to the list of individual recommended.

Mr. Salvador moved to approve the list of individuals recommended for New Certification including Mr. Baptista. Mr. Pierce seconded the motion.

**Motion carried unanimously.**

(For a verbatim version of the aforementioned item, refer to the transcript.)

**Approved:**

**New Certification**

**INSPECTOR REPRESENTING DISCIPLINES**

Annese, Salvatore D. Medley Building Official

Plans Examiner (Building)

Building Inspector Structural  
Roofing Inspector (Comm.)  
Roofing Inspector (Res.)  
Batista, Ramiro A. Opa Locka Building Inspector Structural  
Roofing Inspector (Comm.)  
Roofing Inspector (Res.)  
Del Castillo, Rafael Miami Plans Examiner (Building)  
Pielago , Raul Coral Gables Building Inspector Structural  
Vega, Orlando Dade County Building Inspector Structural  
Whitaker, James M. Pincrest Electrical Inspector  
Plans Examiner (Electrical)

Mr. Roberto Rodriguez requested certification as a Mechanical Plans Examiner presented and his qualification as a State certified Plans Examiner and the Monroe County Mechanical Licenses.

Mr. Weitz moved to approve the Certification of Mr. Rodriguez as Mechanical Plans Examiner. Mr. Velazquez seconded the motion.

**Motion carried unanimously.**

(For a verbatim version of the aforementioned item, refer to the transcript.)

Mr. Jore Alvarez also requested that his De-certification be delayed so that he could appeal to the State and cure his delinquent status. He asked for some consideration since the problems stem from a failure to make payments.

After some discussion, Mr. Pierce moved to table this item until next month so that Mr. Alvarez could finalize the appropriate appeal with the State. Mr. Velazquez seconded the motion.

**Motion carried unanimously.**

(For a verbatim version of the aforementioned item, refer to the transcript.)

Mr. Horton appointed Mr. Pierce and Mr. Woodward to the Certification Subcommittee to help Mr. Velazquez and Mr. Salvador review the recommendations.

**EMERGENCY AGENDA**

Mr. Pierce moved to hear the appeal and Mr. Woodward seconded the motion.

**Motion carried unanimously.**

(For a verbatim version of the aforementioned item, refer to the transcript.)

**APPEAL #1: APPEAL OF BUILDING OFFICIAL'S DECISION; City of Miami Barclays Financial Center, Curtain Wal Design**

Several aspects of the appeal were discussed ranging from impact loads to standards for safety glazing and performance specification.

Due to the complexity of the subject and the need for additional time, Mr. Horton sent this item to a Subcommittee which can report their recommendations to the full Board. Mr. Weitz, Mr. Gomez, and Mr. Diaz were appointed to this Subcommittee.

**Meeting concluded at 5:50 p.m.**

1:45	3. Fernandez-Barquin, Juan (AP-9910.3/S) <b>Item deferred</b> <b>From September</b> <b>Agenda at</b> <b>Appellant's Request</b>	Ltr. 9-22-99	<b>Re:</b> Historic Building Appeal Re: Windows 171 N.E. 1 Avenue City of Miami
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**CLARIFICATION**

2:00 1. Samples, E.T. Ltr. 10-6-99 BORA Ruling 7-22-99

Unincorporated Miami-Dade

Deleons Bromeliads

Agricultural Electrical Service Permits

**REPORT**

2:15	Quintana, Francisco	To be Given	Certification of Inspectors/Plans Examiners-October 12, 1999
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2:30	Pierce, Gregory	To be Given	BCPRC and BORA Waterproofing Subcommittee Report
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2:30	Torres, Oriol	To be Given	Update of the 1999 National Electrical Code (NFPA 70)
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**Pursuant to F.S. 286.0105, any person who decides to appeal any decision made by the Board of Rules and Appeals with respect to any matter considered at its meeting or hearing will need a record of the proceedings. Such person may need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal is based.**

**Notice is also given pursuant to Dade County Ordinance 91-22 that any person appearing before the Board of Rules and Appeals as a lobbyist must register with the Clerk of the Board of County Commissioners and pay the required fee. Metro-Dade County provides equal access and equal opportunity in employment and does not discriminate on**

**the basis of disability in its programs or services. This document is available in alternative format by calling Kathy Charles, Administrative Officer 2, at 375-2901 to request the information.**

**Multiple members of individual community councils may be present.**

**Note: Time listed is an approximation of the time issue is expected to be heard. Ultimate scheduling within the hearing is at the sole discretion of the Board. If you wish to be heard, you must be ready to appear at any time during the scheduled meeting.**

MINUTES OF THE BOARD OF RULES AND APPEALS MEETING ON 10-14-99

**Attendance:** Thomas Utterback, CH Richard Horton, VC William Riley  
 Robert Barnes

Jesus M. Gomez Enrique Salvador Rolando Diaz  
 Gregory Pierce

Moshe Weitz Arnold Velazquez John Kurzman  
 Capt. William Strachan

**Excused:** Justin Manuel Edward Woodard

**Absent:** Capt. Philip J. Knight Earl Raymond Niles, Esq.

**Staff Present:** Francisco J. Quintana, Secretary Bruce Libhaber,  
 Asst. County Attorney

Yvonne Bell, Recording Secretary

**Court Reporter:** Isabel Seralnick

**Commenced at 1:20 p.m.**

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**Minutes of July 22, 1999, eptember 23, 1999 and October 14, 1999**

-

Mr. Utterback requested a motion to approve the minutes for July and September. Mr. Horton, Mr. Kurzman and Mr. Diaz raised concerns regarding language in the minutes and directed staff to research and correct accordingly. Mr. Utterback informed the Board that since a review was requested on the minutes a vote on the minutes would taken at next month's meeting.

-

Mr. Utterback then requested a motion of the Board to accept the Consent Agenda.

-

**CONSENT AGENDA**

**APPEAL #1: TCO EXTENSION, PERMIT No. BC99215, De La Fuente**

**APPEAL #2: TCC EXTENSION, PERMIT No. B9801740, McDowell**

**APPEAL #3: TCO EXTENSION, PERMIT No. 97-5017570, Gordo**

**APPEAL #4: TCO EXTENSION, PERMIT No. 9500420, Mucenic**

**APPEAL #5: TCO EXTENSION, PERMIT No. 965001875, Yeyati**

**APPEAL #6: TCO EXTENSION, PERMIT No. 98-50088034, Vlaun**

**APPEAL #7: TCC EXTENSION, PERMIT No. 96-070548, Machado**

**APPEAL #8: TCO EXTENSION, PERMIT No. 99-500512, Gonzalez**

-

**APPEAL #9: TCO EXTENSION, PERMIT No. 98-082323, William**

Mr. Kurzman moved to approve the Consent Agenda and Mr. Velazquez seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**APPEAL #2: APPEAL OF BUILDING OFFICIAL'S DECISION: Unincorporated Miami-Dade, 6550 N.W. 188 Terrace, Country Village Park, Chapter 46 of the SFBC, Permit #C1999080857**

-

Mr. Howard Gregg, Chief of Planning and Research for the Park and Recreation Department, informed the Board that this structure is a canopy for citizens to get relief from the sun and thunderstorms. He stated that there is a playground on the property, however, adding restrooms to the facility without proper staff control is of great concern. Mr. Gregg, furthermore, informed the Board that it is secured with

fencing.

Mr. Gary Perkins, Plumbing Division Director for the Building Department, stated that the shelter is a key part of the problem. He went on to state that parties and picnics can be held under this shelter and feels that restrooms should be made available for the public.

Mr. Jorge Gamoneda, Building Code Compliance Plumbing Officer, informed the Board that the sketch shows a parking lot and two baseball fields. He also feels that once there is shelter people will come, so therefore, restrooms should have to be installed.

Mr. George Navarrete informed the Board that it is not their intention to install the baseball fields now. However, the central issue is providing protection for the public. Furthermore, Mr. Navarrete clarified that if the permit is granted, they have no problem complying with the Building Department.

After some discussion, a motion was made by Mr. Velazquez to grant the appeal of the appellant and requested of Parks and Recreations that anything else built will require sanitary facilities. Mr. Weitz seconded the motion.

**Motion carried 6 to 4.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

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**APPEAL #3: APPEAL OF BUILDING OFFICIAL'S DECISION: City of Miami, 171 N.E. 1 Avenue, Historic Building Appeal, Section 104.10**

Mr. Juan Fernandez-Barquin Structural Engineer for this project, informed the Board that the building was originally an office building and he is in the process of changing the use to residential. Mr. Fernandez-Barquin stated that the building is historical and the windows should be allowed to remain. He further commented that if a change in use were not taking place they wouldn't have this problem.

Mr. Roberto Hevia, Building Official for the City of Miami, commented that he is requesting that they comply with the ASCE 7-88 wind load requirements for the replacement of all the windows as well as impact resistant items.

A motion was made by Mr. Diaz that the Building Official analyze the whole design, structural

recommendations and inspections and if he doesn't agree he can appear before the Board once again.  
Mr. Pierce seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

## **CLARIFICATION**

Due to the absence of Mr. E.T. Samples, the Board tabled the item to the November 18, 1999 meeting. Mr Samples is requesting clarification of the ruling made on July 22, 1999 regarding Agricultural Electrical Services to DeLeons Bromeliads.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

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## **REPORTS**

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### **Certification of Inspectors/Plans Examiners for October**

Mr. Salvador reported on the recommendations of the Certification Subcommittee and presented the following list below were of individuals for New Certification:

**Approved:**

#### **New Certification**

Figueroa, Andres B. (Restricted)	Dade County	Bldg. Insp. Structural
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Garcia, Robert T. Building Inspector (Structural)	Dade County
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Milbert, Jerry C. Plans Examiner Plumbing	Dade County
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Mitrani, Jaime A. Sunny Isles Beach Plans  
Examiner (Structural)

Perez, Everildo J. Dade County  
Roofing Inspector (Commercial) Roofing  
Inspector (Residential)

Perez, Jorge F. Dade County  
Roofing Inspector (Commercial) Roofing  
Inspector (Residential)

Silio, Antonio J. Coral Gables  
Building Inspector (Structural)

Torre, Gerardo L. Dade County  
Building Inspector (Structural)

Walton Jr., Charles H. Dade County Roofing  
Inspector (Commercial) Roofing  
Inspector (Residential)

Mr. Salvador moved to approve the list of individuals recommended for New Certification. Mr. Kurzman seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

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**Adoption of Electrical Code: Update to the National Electrical Code (NFPA 70)**

-

The Board agreed to table this item to next months meeting of November 18, 1999

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

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**Meeting concluded at 3:30 p.m.**

MINUTES OF THE BOARD OF RULES AND APPEALS MEETING ON 07-22-99

**Attendance:** Thomas Utterback, CH Richard Horton, VC William Riley  
Justin Manuel  
Jesus M. Gomez Gregory Pierce Enrique Salvador  
Rolando Diaz  
Moshe Weitz Arnold Velazquez Edward Woodward

**Excused:** Robert Barnes William Strachan  
John Kurzman

**Absent:** Earl Raymond Niles, Esq. Philip J. Knight

**Staff Present:** Francisco J. Quintana, Secretary Hugo Benitez,  
Asst. County Attorney  
Yvonne Bell, Recording Secretary

**Court Reporter:** Michelle Jewell

**Commenced at 1:21 p.m.**

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Minutes of June 17, 1999

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Mr. Horton moved to accept the minutes of June 17<sup>th</sup> and Mr. Pierce seconded the motion.

**Motion carried unanimously.**

(For a verbatim version of the aforementioned item, refer to the transcript.)

-  
CONSENT AGENDA

**APPEAL #1: TCO EXTENSION, PERMIT No. B9900927, Fine**

**APPEAL #2: TCO EXTENSION, PERMIT No. B980271, Fine**

**APPEAL #3: TCO EXTENSION, PERMIT No. 95-5018309, Jarman**

**APPEAL #4: TCO EXTENSION, PERMIT No. 965017655, Jarman**

**APPEAL #5: TCC EXTENSION, PERMIT No. 96-086237, Fine**

**APPEAL #6: TCO EXTENSION, PERMIT No. BC099164, Nesse**

**APPEAL #7: TCO EXTENSION, PERMIT No. 96055847, Maresma**

Mr. Pierce moved to approve the Consent Agenda and Mr. Horton seconded the motion.

**Motion carried unanimously.**

(For a verbatim version of the aforementioned item, refer to the transcript.)

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**EMERGENCY CONSENT AGENDA**

**APPEAL #1: TCO EXTENSION, PERMIT No. B9700530, Amezola**

Mr. Pierce moved to approve the Consent item and Mr. Horton seconded the motion.

**Motion carried unanimously.**

(For a verbatim version of the aforementioned item, refer to the transcript.)

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Mr. Utterback informed the Board that Appeal No. 1 has been deferred to the September 16, 1999 Board.

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**APPEAL #2: APPEAL OF BUILDING OFFICIAL'S DECISION: Unincorporated Miami-Dade County, SW 216 Street & 138 Avenue, # Pump, Agricultural Electrical Service Permit, S1999114348**

-

Mr. Stanley Price, addressed the Board and gave some literature on how the South Florida Building Code and Florida Statue number 553.17 addresses non-residential farm buildings. Mr. Price requested that the Board enforce the provisions of the Florida Statues which exempts this structure from obtaining any permits from Dade County.

Mr. Burt Codispoti, Electrical Supervisor for the Building Department, informed the Board that there are state statues that exempts farm buildings from the Code, but Occupational Safety and Health Administration (OSHA) requirements are triggered when employees are at the facility.

Based on further clarification from the County Attorney, Mr. Horton moved to grant the appeal, citing that this does not come under the jurisdiction of the South Florida Building Code. Mr. Pierce seconded the motion.

**Motion carried unanimously.**

(For a verbatim version of the aforementioned item, refer to the transcript.)

-

**APPEAL #3: APPEAL OF BUILDING OFFICIAL'S DECISION: Unincorporated Miami-Dade County, 14534 S.W. 58 Terrace, Interior Swinging Door**

Mrs. Linda Chin informed the members that she is seeking a product approval for an interior swing door she purchased at Home Depot. According to Mrs. Chin, when she purchased the door no one told her that it needed product approval. She added hurricane shutters thinking this would help the situation, but was told the door still had to be approved. Mrs. Chin would like the Board to allow her to continue to use the door.

Mr. Flavio Gomez, Building Division Director, commented that the South Florida Building Code (SFBC) states that this door must have product approval. At the time of inspection, Mrs. Chin's door did not have product approval and based on that, they rejected the inspection.

Mr. Manny Perez, Building Code Compliance Product Control Examiner, informed the Board that the property owner was given a list of approved doors that are wood and glazed exactly like she wanted.

Mr. Utterback stated that there are wind and rain requirements for doors.

The Board deferred this matter and directed Mrs. Chin to meet with Mr. Francisco Quintana, Director of Building Code Compliance and the Product Control Division to resolve this issue.

(For a verbatim version of the aforementioned item, refer to the transcript.)

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**APPEAL #5: APPEAL OF BUILDING OFFICIAL'S DECISION: Unincorporated Miami-Dade County, Papa John's Pizza, 16760 S.W. 88 Street, Waiver of Grease Trap Requirement**

Mr. Louis Sclease, General Contractor for Papa John's Pizza, introduced himself to the Board and stated that they have an agreement with DERM in regards to registering the grease trap. Mr. Sclease also informed the Board that there are no foods prepared that would cause a line stoppage or hinder sewage disposal. He argued that a grease trap was not needed at this location, but in the future if Papa John's Pizza menu should change a grease trap will be installed.

Mr. Gary Perkins, Plumbing Division Director for the Building Department, agreed that not all buildings are the same, however a grease interceptor is required.

After some discussion, Mr. Salvador moved to deny the appeal. Mr. Diaz seconded the motion.

**Motion carried. 10 to 1. (Mr. Velazquez opposed).**

(For a verbatim version of the aforementioned item, refer to the transcript.)

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**APPEAL #6: REQUEST FOR HISTORIC WAIVER: City of Miami, Virrick Gym/Coast Guard Hanger Rest., 2600 S. Bayshore Drive, 104.10 Historic Buildings**

-

Mr. Robert Hevia, Building Official for the City of Miami, requested that the Board waive the requirement for product approval of the windows and the hanger door of the gym. The windows were designed to meet ASCE 7-88 of the South Florida Building Code. If shutters are mandatory it will alter the historical integrity of the structure. Mr. Hevia went on to state that this gym is now a historic site and has received \$400,000 from the State of Florida to restore the exterior appearance of the building as close as possible to its original design.

Mrs. Sara Eaton, a Preservation Officer with the City of Miami, stated that this building is eligible for historic designation.

-  
After some discussion, Mr. Velazquez moved to accept this buildings historic designation and grant the appeal. Mr. Salvador seconded the motion.

**Motion carried unanimously.**

(For a verbatim version of the aforementioned item, refer to the transcript.)

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**APPEAL #7: APPEAL OF BUILDING OFFICIAL'S DECISION: City of Miami Beach, Bentley Beach, 101 S. Ocean Drive, Shoring Drawings Waiver**

-  
**APPEAL #8: APPEAL OF BUILDING OFFICIAL'S DECISION: City of Miami Beach, Mistral Towers, 520/544 West Avenue, Shoring Drawings Waiver**

-  
The Board heard the two aforementioned appeals together since they were related issues.

Attorney Carter McDowell, informed the Board that he is withdrawing his waiver for 101 S. Ocean Drive, because a permit has been issued. In regards to 520/544 W. Avenue, the issue is the timing of submitting shoring drawings.

-  
Ms. Ann Cotter, the Project Manager, commented that there are only a few shoring engineers who are actually prepared to do shoring drawings separate from the contract.

-  
Mr. Philip Azan, Building Official for the City of Miami Beach, stated that the problem he is experiencing is the language of Section 302.2 of the South Florida Building Code. Mr. Azan adds that this section may need to be amended to allow him to release the building permits without having the shoring plan.

Mr. Pierce suggested that the Board consider this as a scribner's error in that particular section of the code and go ahead and approve the appeal.

After much discussion, Mr. Horton moved to approve the appeal stating that paragraph 302.2 (b) (3) of the South Florida Building Code requires approval of shop drawings for pre-stress type structures. Mr. Horton then advised the Building Official to seek and interpretation. He furthermore, stated that shop drawings should be submitted prior to the first structural inspection, but not prior to the issuance of the building permit. Mr. Salvador seconded the motion.

**Motion carried unanimously.**

(For a verbatim version of the aforementioned item, refer to the transcript.)

**APPEAL #4: APPEAL OF BUILDING OFFICIAL'S DECISION: City of Miami Beach, Sunset Harbour Tower North, 1900 Purdy Avenue, Request for TCO extension**

Ms. Lucia Dougherty, introduced herself to the Board and stated that they now need two TCO's because the balconies will not be repaired within 60 days. There are 455 defected balconies and requested they receive two TCO extensions for 90 days.

Mr. James Harrington, representing the Condo Association, objected to giving them an unconditional TCO extension. He requested that a stipulation be included for the developers that this work will be completed in a timely manner. There have already been eight TCO extensions throughout the years. Mr. Harrington commented that the developer knowingly allowed the residents of this building to live in these conditions for two years. Futhermore, there are 55 balconies surveyed and only four were located, he confirmed that nothing has been done to fix the situation.

Mr. Gabor Kaloksky, who represents the developers of this project, informed the Board that at least six months is needed to complete the project.

Mr. Philip Azan agreed with Mr. Harrington that some type of framework was needed so that this project would be finished in a timely manner by the developers.

After some discussion, Mr. Weitz moved to grant the TCO extension for 90 days. Mr. Diaz seconded the motion.

**Motion carried unanimously.**

(For a verbatim version of the aforementioned item, refer to the transcript.)

-  
The Board wished to hear from Mr. John Pistorino, who stated his only concern is that the Association

will allow a contractor and an engineer to get in and do work without at least some assurances that the work is going to be corrected and substantial, because they are the ones that are going to have to deal with this through the life of the building. Mr. Pistorino suggested that the developers submit a plan to the City so that they can evaluate the repairs.

## **TCO/TCC REQUESTS**

**APPEAL #1: TCO EXTENSION, MASTER PERMIT No. 12088, Grabill**

**APPEAL #2: TCC EXTENSION, MASTER PERMIT No. 12086, Grabill**

The Board heard both items together since they were related issues.

Mr. Ronald Grabill, representing the Shops of Sunset, informed the Board that they are getting closer to completing the majority of the shops, but they still need a second TCO and TCC extension for a portion of the retail section of the building.

Ms. Elizabeth Hernandez, City of Coral Gables Attorney, incorporated testimony of City representatives and exhibits previously introduced at the July 17<sup>th</sup>, 1999 Board of Rules and Appeals meeting. She informed the Board that the two parties had agreed that this issue should be determined by the courts.

Ms. Judy Burke also introduced records from the previous boards of April, May and June.

After further discussion, Mr. Pierce moved to grant the TCO and TCC extensions. Mr. Horton seconded the motion.

**Motion carried unanimously.**

(For a verbatim version of the aforementioned item, refer to the transcript.)

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## **EMERGENCY AGENDA**

Mr. Horton moved to hear the appeal and Mr. Riley seconded the motion.

**Motion carried unanimously.**

(For a verbatim version of the aforementioned item, refer to the transcript.)

**APPEAL #1: APPEAL OF BUILDING OFFICIAL'S DECISION; Shops at Sunset Place, 5701 Sunset Drive, Exemption from Section 2303.1 (b) of the South Florida Building Code.**

-  
Mr. Stephen Silverman, recommended that the Mammoth roof mounted A/C units at the Shops of Sunset Place be exempted from the requirements of the 2303.1 (b) of the South Florida Building Code.

Mr. Don Seibert, with Engineering Systems, clarified that these units were not buildings and the space inside the units was intended only to hold maintenance on the equipment. Mr. Seibert emphasized to the Board that this area is not for public use or human occupancy.

Mr. Peter Iglesias, Structural Engineer for the City of South Miami, made known to the Board that if the building has walls and a roof then it is a structure. These units were installed without shop drawing approval and do not meet wind standards of the South Florida Building Code.

After much discussion, Mr. Salvador moved to grant the appeal on the grounds that this is a piece of air conditioning equipment conforming with the national standard set by ASHRA, which governs the manufacturing of air conditioning equipment. Therefore, the South Florida Building Code does not apply to this piece of equipment. Motion seconded by Mr. Horton.

**Motion carried. 10 to 1. (Mr. Weitz opposed)**

(For a verbatim version of the aforementioned item, refer to the transcript.)

-  
**REPORTS**

-  
**Certification of Inspectors/Plans Examiners for June**

Mr. Salvador reported on the recommendations of the Certification Subcommittee and presented the following list below were of individuals for New Certification:

**Approved:**

**New Certification**

**INSPECTOR:  
DISCIPLINES:****REPRESENTING:**

Cabrera, Ernesto Examiner (Building)	Dade County	Plans
Cash, Bradley J. Structural	Dade County	Building Inspector
Dillashaw III, William E. Inspector	Dade County	Electrical
Garcia, Idania	Miami	Chief Building Inspector
Garcia, Juan A. (Building)	Miami Beach	Plans Examiner
Examiner (Structural)		Plans
Khan, Mohammad S. (Structural)	Coral Gables	Plans Examiner
Examiner (Building)		Plans
Lanza, Carlos	Sweetwater	Building Official
Partovi, Mohammed R. (Structural)	Coral Gables	Plans Examiner
Perdigon, Gerardo A. Structural	Dade County	Building Inspector

Perry, Donald N.                      Dade County    Plumbing Inspector

Seda, Leonardo                      Miami Beach    Plans Examiner  
(Electrical)

Examiner Elec. Res.    Plans

Inspector    Electrical

Smith, Ernest H.                      Dade County    Mechanical Inspector

Villanueva, Plinio M.                      Sunny Isle Beach    Plans Examiner  
(Structural)

Weiner, Norman I.                      South Miami    Plans Examiner  
(Structural)

Examiner (Structural)    Sweetwater    Plans

Mr. Salvador moved to approve the list of individuals recommended for New Certification. Mr. Woodard seconded the motion.

**Motion carried unanimously.**

(For a verbatim version of the aforementioned item, refer to the transcript.)

**Miami-Dade Aviation Department Open Permits**

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Mr. Narinder Jolly, explained to the Board the status of the remaining 71 open permits at the Aviation Department. He concluded that 17 were duplicates and 26 had already been converted to permanent CO's. Mr. Jolly determined that out of the remaining 22. One building is going to be demolished and two have been already demolished. He went on to state that 8 out of the 22 were found to be duplicates, leaving 9 old TCO's remaining with no information as to what was built with them. Mr. Jolly requested that the Board acknowledge their status and close these permits. Moreover, he assured the Board that nothing at the Airport since 1993 has been built without a permit.

Assistant County Attorney, Hugo Benitez, submitted his legal opinion to the Board in regards to the open permits. He informed the Board that he doesn't think they can give a variance and close out these permits. Furthermore, Mr. Benitez explained that there has been ten years of a mess that has been going on at the Airport. He also noted that he did have the benefit of the Building Official's opinion included in the information available for review. Mr. Benitez advised the Board to wait and receive the opinion of the Building Official of Miami-Dade County before a decision is rendered.

Mr. Weitz commented that Mr. Jolly has done an excellent job narrowing down the permits and the Building Official is in the same predicament they are in without any paperwork. In addition, he thinks the Board should clean the slate and cancel the remaining permits.

Upon much discussion, Mr. Utterback requested a motion. A motion was made by Mr. Horton to have the Building Official present in writing the status of the 21 outstanding permits at the Airport and be available at the next meeting to offer his recommendation. The Board will then honor Mr. Weitz's motion at the next hearing provided the information is received. Motion seconded by Mr. Salvador.

**Motion carried unanimously.**

(For a verbatim version of the aforementioned item, refer to the transcript.)

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### **Board Information/Discussion**

The Board agreed to hear Probable Cause cases the first Tuesday of every month at 2:00 P.M.

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**Meeting concluded at 4:30 p.m.**

# MINUTES OF THE BOARD OF RULES AND APPEALS MEETING ON 09-23-99

**Attendance:** Thomas Utterback, CH Richard Horton, VC William Riley Justin Manuel  
Jesus M. Gomez Enrique Salvador Rolando Diaz Robert Barnes  
Moshe Weitz Arnold Velazquez John Kurzman

**Excused:** Gregory Pierce Edward Woodard

**Absent:** Earl Raymond Niles, Esq. Capt. Philip J. Knight  
Capt. William Strachan

**Staff Present:** Francisco J. Quintana, Secretary Hugo Benitez, Asst. County Attorney  
Yvonne Bell, Recording Secretary Angie Ortega, Asst. County Attorney

**Court Reporter:** Isabel Seralnick

**Commenced at 1:23 p.m.**

## Minutes of July 22, 1999

Mr. Utterback informed the Board that the minutes of July 22<sup>nd</sup> would be approved at the October 14, 1999 meeting.

Mr. Utterback requested a motion of the Board to accept the Consent Agenda and Emergency Consent Agenda.

## CONSENT AGENDA

**APPEAL #2: TCO EXTENSION, PERMIT No. 985010296, McCoy**

**APPEAL #3: TCO EXTENSION, PERMIT No. 98115998, Dougherty**

**APPEAL #4: TCC EXTENSION, PERMIT No. B9802399, Balzebre**

**APPEAL #5: TCO EXTENSION, PERMIT No. 9801292, Fine**

**APPEAL #6: TCO EXTENSION, PERMIT No. 96068624, Guthrie**

**APPEAL #7: TCO EXTENSION, PERMIT No. 975001771, Benson**

**APPEAL #8: TCO EXTENSION, PERMIT No. 9701091, Burch**

**APPEAL #9: TCO EXTENSION, PERMIT No. 95-5018309, Jarman**

## EMERGENCY CONSENT AGENDA

**APPEAL #1: TCO EXTENSION, PERMIT No. B9500406, Benson**

Mr. Salvador moved to approve the Consent Agenda and Emergency Consent Agenda. Mr. Kurzman seconded the motion.

**Motion carried unanimously.**

(For a verbatim version of the aforementioned item, refer to the transcript.)

## APPEAL #2: APPEAL OF BUILDING OFFICIAL'S DECISION: Miami Beach, 1250 Ocean Drive, The Carlyle Hotel, Sect. 104.10 Historic Buildings, Permit, B9901755

Mr. Blake Thorson, Architect for the Carlyle Hotel, informed the Board that he was seeking a ruling regarding new construction standards and a waiver of horizontal reinforcing. Mr. Thorson enlightened the members that there has been exploratory testing and he has also met with the historic unit at the City of Miami Beach. Mr. Thorson requested that the requirement for reinforcing be removed as it may cause severe detriment to the structure.

Mr. Philip Azan, Building Official for the City of Miami Beach, commented that he agrees with the waiver for horizontal reinforcement.

After some discussion, a motion was made by Mr. Horton that the appellant must comply with the existing permit or submit an alternative design to the Building Official of Miami Beach. Mr. Kurzman seconded the motion.

**Motion carried 7 to 4. (Mr. Velazquez, Mr. Gomez, Mr. Weitz and Mr. Barnes were opposed)**

(For a verbatim version of the aforementioned item, refer to the transcript.)

**APPEAL #1: APPEAL OF BUILDING OFFICIAL'S DECISION: Unincorporated Miami-Dade County, 4835 S.W. 76 Street, Hanzman Residence, Use of Alternative Construction, Permit #96086237**

Mr. Robert Fine stated to the Board that he would like to withdraw his appeal and request an extension on his TCO.

A motion was made by Mr. Weitz to grant the TCO extension. Mr. Salvador seconded the motion.

**Motion carried unanimously.**

(For a verbatim version of the aforementioned item, refer to the transcript.)

**APPEAL #3: APPEAL OF BUILDING OFFICIAL'S DECISION: City of Miami, Everglades Lumber Warehouse, 7070 S.W. 4 Street, Fire Protection Requirements, Permit #99-5011800**

Mr. Guillermo Tunon, clarified to the members that this is a one-story warehouse and there are no combustible materials in the building. Mr. Tunon believes this structure meets the criteria of the Code and that the ten-foot side of the structure is protected

Mr. Lester Goldstein, summed up by informing the Board that only one wall does not meet the requirements. He added that there is a 2-hour fire protection for the west wall, a 1-hour fire protection for the interior wall and the exterior wall has no firewall protection.

Mr. Roberto Hevia, Building Official for the City of Miami, stated the building originally was a type three structure. This is a F1 occupancy with parking for cars on both sides. He informed the members that since revisiting the site, the building had been changed to a type two structure, which means a three-hour fire wall protection for the interior and a one-hour firewall for the exterior must be supplementary.

After some discussion, Mr. Horton made a motion that one-hour fire protection for the exterior columns with a minimum up to 18-feet must be added. Mr. Kurzman seconded the motion.

**Motion carried unanimously**

(For a verbatim version of the aforementioned item, refer to the transcript.)

**APPEAL #8: APPEAL OF BUILDING OFFICIAL: City of Key Biscayne, Casa Del Mar High Rise Condo, 881 Ocean Drive, Dryer Vent Installation Exemption, SFBC 4908.3(g)**

Mr. Robin Hale, informed the Board that originally there were single unit washers and dryers installed but they have since been replaced with side by side washers and dryers. He went on to state that there is a hole in the interior wall blowing out hot air. Furthermore, he feels there are no hazardous problems in regards to the egress and it will be very costly to comply with Key Biscaynes requirements.

Mr. Cliff Lindgren, Chief Mechanical Inspector for Key Biscayne, commented that this situation is dangerous since the fillers only catch part of the lint causing dampness that will eventually overwork the A/C units and cause a fire.

After some discussion, Mr. Kurzman moved to approve the appeal and the garbage chute chase area shall or may be used to accommodate an independent approved duct for the use of dryers. Mr. Diaz seconded the motion.

**Motion carried unanimously.**

(For a verbatim version of the aforementioned item, refer to the transcript.)

**APPEAL #4: APPEAL OF BUILDING OFFICIAL'S DECISION: City of Miami Beach, Winterhaven Hotel, 1400 Ocean Drive, Historic Building Appeal, Section 104.10**

Mr. Joseph Freni, requested that since the 71-year-old Winterhaven Hotel is a historic building, it should be permitted to preserve the original stair and handrail conditions in the lobby.

Rhonda Montalo, Senior Assistant Attorney for the City of Miami Beach, stated that she has no problem waiving the requirements for this historic building under the provisions of the Code.

Mr. Kurzman moved to approve the request of the appellant. Mr. Diaz seconded the motion.

**Motion carried unanimously.**

(For a verbatim version of the aforementioned item, refer to the transcript.)

**APPEAL #5: APPEAL OF BUILDING OFFICIAL'S DECISION: Unincorporated Miami-Dade County, Deering Estate at Cutler, Historic Building Appeal, Section 104.10**

Ivan Rodriguez, Director of the Deering Estate at Cutler, requested an appeal from the Board on items related to the restoration and rehabilitation of the Stone House, Richmond Inn, Carriage House, Power House and the Pump House.

Mr. Kurzman moved to approve the request of the appellant. Mr. Salvador seconded the motion.

**Motion carried unanimously.**

(For a verbatim version of the aforementioned item, refer to the transcript.)

**APPEAL #6: APPEAL OF BUILDING OFFICIAL'S DECISION: City of Miami Beach, Domestic Violence Center, 17 St. and West Avenue, Request for Extension of Permit #B9802005**

The appellant requested that the Board grant an extension of the permit to conclude the construction of a Single Parent Family Housing and Resource Center for victims.

A motion was made by Mr. Kurzman to grant the extension. Mr. Barnes seconded the motion.

**Motion carried unanimously.**

(For a verbatim version of the aforementioned item, refer to the transcript.)

**INTERPRETATION**

Mr. Philip Azan, Building Official for the City of Miami Beach, informed the Board that he seeking clarification on Section 39 (detection alarm) of the South Florida Building Code. Mr. Azan wants to know if the exception applies to the whole chapter.

After some discussion, Mr. Diaz made a motion that the exception specifically applies to that section not the whole chapter. Motion seconded by Mr. Kurzman.

**Motion carried unanimously.**

(For a verbatim version of the aforementioned item, refer to the transcript.)

**REPORTS**

**Certification of Inspectors/Plans Examiners for September**

Mr. Salvador reported on the recommendations of the Certification Subcommittee and presented the following list below were of individuals for New Certification:

**Approved:  
New Certification**

Alvarez, Jorge	Hialeah	Building Insp. (Structural) Roofing Insp. (Commercial)
Annese, Salvatore	Sunny Isles Beach	Plans Examiner (Building) Building Insp. (Structural) Roofing Insp. (Commercial) Roofing Insp. (Residential)
Capps, Thurmond E.	Dade County	Plumbing Inspector
Correa, Pedro A.	Miami Beach Coral Gables	Plans Examiner (Building) Plans Examiner (Structural) Plans Examiner (Structural)
Gomez, Justo E.	South Miami	Chief Mechanical Inspector Plans Examiner (Mechanical) Mechanical Inspector
Hangge, Susan M.	Dade County	Building Insp. (Structural)
Lewis, Seon W.	Dade County	Mechanical Inspector
Martinez, Freddy	Miami	Plumbing Inspector

Mendez, Javier	Dade County	Electrical Inspector
Naranjo, Gerardo A.	Dade County	Plans Examiner (Building) Plans Examiner (Structural)
Naumann, Carlos A.	Aventura	Plans Examiner (Building) Plans Examiner (Structural)
Vila, John R.	Dade County	Building Insp. (Structural)
Walker, Osmond	Dade County	Plans Examiner (Electrical)
Wallace, Robert A.	Aventura	Chief Mechanical Inspector Plans Examiner Mechanical
Weiner, Norman I.	North Miami Beach	Plans Examiner (Structural)

The following individuals are being recommended for **rejection** for **New Certification** for 1999.

<b>INSPECTOR:</b>	<b>REPRESENTING:</b>	<b>DISCIPLINES:</b>
Garrido, Juan C.	Golden Beach	Building Official Chief Inspector (Building) Plans Examiner (Building) Roofing Inspector (Commercial) Roofing Inspector (Residential) Building Inspector (Structural)

Mr. Salvador moved to approve the list of individuals recommended for New Certification. Mr. Kurzman seconded the motion.

**Motion carried unanimously.**

(For a verbatim version of the aforementioned item, refer to the transcript.)

**New Certification Rejection**

Mr. Juan Garrido informed the Board that he was advised to submit a renewal certification by Golden Beach.

Mr. Salvador motioned to approve Mr. Garrido subject to approval by the City of Golden Beach. Mr. Kurzman seconded the motion.

**Motion carried unanimously.**

(For a verbatim version of the aforementioned item, refer to the transcript.)

**EMERGENCY AGENDA TCO REQUEST**  
**APPEAL #1: TCO EXTENSION, PERMIT No. 1993278779, Bobolla**

Mr. Roberto Bobolla informed the Board that all testing has been concluded two weeks ago and he is only seeking a TCO extension to permit #1993278779.

A motion was made by Mr. Weitz to grant the TCO extension and have the appellant return in 90 days to update the Board on the progress. Motion seconded by Mr. Barnes.

**Motion carried unanimously.**

(For a verbatim version of the aforementioned item, refer to the transcript.)

**ADDED ITEM**

Motion to hear the Shops of Sunset in regards to TCO extensions made by Mr. Velazquez and seconded by Mr. Barnes.

**Motion carried unanimously.**

(For a verbatim version of the aforementioned item, refer to the transcript.)

Mr. Ronald Grabill is requesting a TCO extension for the parking garage, which is the last item to be completed.

Motion to grant extension made by Mr. Weitz and seconded by Mr. Diaz.

**Motion carried unanimously.**

(For a verbatim version of the aforementioned item, refer to the transcript.)

**Meeting concluded at 4:29 p.m.**

# MINUTES OF THE BOARD OF RULES AND APPEALS MEETING ON 11-18-99

**Attendance:** Thomas Utterback, CH Richard Horton, VC William Riley Robert Barnes  
Jesus M. Gomez Enrique Salvador Rolando Diaz Justin Manuel  
Moshe Weitz Arnold Velazquez John Kurzman Capt. William Strachan  
Steven L. Johns

**Excused:** Gregory Pierce Edward Woodward

**Absent:** Capt. Philip J. Knight Earl Raymond Niles, Esq.

**Staff Present:** Francisco J. Quintana, Secretary Hugo Benitez, Asst. County Attorney  
Kathy Charles, Administrative Officer 2

**Court Reporter:** Isabel Seralnick

**Commenced at 1:35 p.m.**

## Minutes of July 22, 1999, September 23, 1999 and October 14, 1999

Mr. Utterback requested a motion to approve the minutes for July. Mr. Kurzman moved to approve the July minutes and Mr. Diaz seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

Mr. Kurzman requested that one correction to the September minutes be made to Appeal No. 8 to read "Mr. Kurzman moved to approve the appeal and the garbage chute chase area shall or may be used to accommodate an independent approved duct for the use of dryers." Mr. Utterback informed the Board that the minutes would be reviewed at next month's meeting.

Mr. Utterback requested a motion to approve the minutes for October. Mr. Horton moved to approve the October minutes and Mr. Kurzman seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

Mr. Kurzman moved to place **Item #6** and **Item #7** back on the Consent Agenda, in light of the letter dated November 16<sup>th</sup> from the City of Coral Gables indicating their intent to take the issue to another forum. Mr. Gomez seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

Mr. Johns and Mr. Diaz excused themselves from the vote at 1:45 p.m.

Mr. Utterback then requested a motion of the Board to accept the Consent Agenda.

## CONSENT AGENDA

**APPEAL #1: TCO EXTENSION, PERMIT No. 1997029329, Lamar**

**APPEAL #2: TCC EXTENSION, PERMIT No. 96-5017655, Jarmen**

**APPEAL #3: TCO EXTENSION, PERMIT No. 96-5008953, Vlaun**

**APPEAL #4: TCO EXTENSION, PERMIT No. 97-5006276, Sanchelima**

**APPEAL #5: TCO EXTENSION, PERMIT No. BC098160 and Bc099129, Mascaro**

**APPEAL #6: TCC EXTENSION, PERMIT No. 12086, Grabill**

**APPEAL #7: TCO EXTENSION, PERMIT No. 12088 and No. 97-498, Grabill**

**APPEAL #8: TCO EXTENSION, PERMIT No. 96-5011558, Zarraluqui**

**APPEAL #9: TCO EXTENSION, PERMIT No. 96-5011555, Zarraluqui**

**APPEAL #10: TCO EXTENSION, PERMIT No. 94-00493, Wasertein**

Mr. Kurzman moved to approve the Consent Agenda and Mr. Horton seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**APPEAL #1: APPEAL OF BUILDING OFFICIAL'S DECISION: South Miami, 7830 SW 57 Court, Section 304.3(b) Permit and Final Inspection**

Mrs. Dal-Ashcraft explained to the Board that when making a search of the permit for her screen enclosure, they discovered that the contractor did not call for the final inspection. She added that the City of South Miami has denied the extension and has not allowed the final inspection.

Mr. Velazquez moved to extend the existing permit so that the final inspection can be obtained. Mr. Kurzman seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**APPEAL #2: APPEAL OF BUILDING OFFICIAL'S DECISION: City of Miami Beach, Yacht Club at Portofino 90 Alton Road, Section 3905**

Mr. Robert Fine, representing the Yacht Club, informed the members that he has work with the Miami Beach Building Department and the issue has been resolved.

**The appeal was withdrawn.**

**APPEAL #3: APPEAL OF BUILDING OFFICIAL'S DECISION: Miami-Dade County, 4835 SW 76 Street Section 203.4 Doors/Alternate Construction**

Mrs. Vivian Diamond requested that the Board allow the use of the 11-foot high arch wood door and glass door at the entrance in front of which will be removable approved hurricane shutters. She presented photographs of the door and requested that it be considered as an alternate construction material since it will be used in conjunction with the shutters.

Mr. Flavio Gomez, Building Division Director for Miami-Dade County, stated that they required product approval, a one-time approval if appropriate, in order to accept the use of the door.

After some discussion, Mr. Diaz moved to extend the TCO for the permit for 90 days and directed the appellant to meet the requirements of Code Compliance for a one-time approval as a whole system either by engineering calculations or by other means acceptable to Code Compliance. Mr. Kurzman seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**APPEAL #4: APPEAL OF BUILDING OFFICIAL'S DECISION: Miami-Dade County, 17630 N.E. 8 Place, Chapter 34 Roof /Dimensional Shingles**

Ms. Ruth Ogen requested that the Board allow the use of the dimensional shingles on the sloop roof as originally permitted. She stated that she was informed that there was a Code Change to Chapter 34, which now bars this type of installation. She indicated that there would be serious hardship if they were now required to install the three-tab shingles.

Mr. Utterback acknowledged the letter from the Building Department, which admits to a mistake in the issuance of the permit relative to the pitch and in respect to the shingles.

After a review of some of the technical information, Mr. Salvador moved to defer this issue until next month since the roofing representative for the Board, Mr. Pierce, was absent. Mr. Diaz seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**APPEAL #5: APPEAL OF BUILDING OFFICIAL'S DECISION: City of South Miami, Shops of Sunset Daiquiri Days 5701 Sunset Place, Sections 4613.6(n), 4613.19(9) and 512.2, Bathroom facilities**

Mr. Perez informed the Board that a permit has been denied to build Daiquiri Days, an open-air kiosk bar, on the third floor of the Shops at Sunset Place. He stated that the Building Official contends that the required bathroom facilities have not been provided. Mr.

Perez suggested that a reasonable interpretation could find the 150-foot distance for the two level exceptions was sufficient given the paths available to get to the bathroom.

Mr. George Gamoneda, Code Compliance Specialist, asked the Board to consider that Daiquiri Days does not really meet the size definition of 400 square feet or “minor use” requirement of a kiosk under the SFBC. He further explained that this is to be used as a drinking establishment and the place is 1,951 square feet.

Mr. Riley moved to grant the appeal and find that the existing bathroom facilities were adequate according to the interpretation of the appellant’s cited sections of the Code. Mr. Johns seconded the motion.

**Motion carried. 12 to 1 (Mr. Salvador was opposed.)**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**CLARIFICATION**

Mr. E.T. Samples, Lewis Electric, thanked the Board for the opportunity to clarify their previous ruling made on July 22, 1999 regarding agricultural electrical services. He explained the difficulty he was having with the Building Department and Florida Power and Light and requested that some written guidance be issued to those entities regarding agricultural facilities.

Mr. Weitz decided to offer this clarification request as a privilege item to be heard by the Board.

Mr. Benitez offered some clarification as to the jurisdiction of the matter as well as whether the item is properly before the Board. He suggest that a meeting of the Building Department, FPL, and the County Attorney’s Office could help to resolve some of the confusion. Mr. Benitez also instructed Mr. Lewis to bring items individually that have been denied by the Building Official to be heard properly by the Board.

After some discussion, Mr. Utterback removed this item from the agenda since it was not properly before them.

**EMERGENCY AGENDA**

Mr. Kurzman moved to hear the Emergency Agenda and Mr. Diaz seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**TCO/TCC Appeals**

**APPEAL #1: TCO EXTENSION, PERMIT No. B8800095, Sunset Harbour North Tower, Fine**

**APPEAL #2: TCO EXTENSION, PERMIT No. B8800095, Sunset Harbour South Tower, Fine**

After hearing, a report on the status of the balconies at the location, Mr. Diaz moved to grant a 90-day TCO extension. Mr. Kurzman seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**REPORTS**

**Certification of Inspectors/Plans Examiners for October**

Mr. Salvador reported on the recommendations of the Certification Subcommittee and presented the following list of rejected and approved for New Certification for the month of November:

**Approved:  
New Certification**

<b>INSPECTOR:</b>	<b>REPRESENTING:</b>	<b>DISCIPLINES:</b>
Aldecocea, Julio R.	Dade County	Plans Examiner (Building)
Berkman, Michael S.	Medley	Plans Examiner (Building) Building Inspector (Structural)
Mitrani, Jose D.	South Miami Pinecrest	Plans Examiner (Structural) Plans Examiner (Structural)

**Rejected:**  
**New Certification**

**INSPECTOR:**

Rasekhi, Farrokh

**REPRESENTING:**

Sweetwater

**DISCIPLINES:**

Plans Examiner (Structural)

Mr. Horton moved to approve the list of individuals rejected and recommended for New Certification. Mr. Gomez seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**Adoption of Electrical Code: Update to the National Electrical Code (NFPA 70)**

Mr. Velazquez moved to adopt the 1999 National Electric Code as of January 1, 2000 and Mr. Barnes seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**DISCUSSION**

The Board heard some from Mr. Castellanos and Mr. Ferrante regarding alternate method of roof construction.

Mr. Horton moved to have Product Approval review this application as an equal alternative method and Mr. Kurzman seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**Meeting concluded at 3:55 p.m.**

MINUTES OF THE BOARD OF RULES AND APPEALS MEETING ON 12-16-99

**Attendance:** Thomas Utterback, CH Richard Horton, VC William  
Riley Enrique Salvador  
Rolando Diaz Justin Manuel Moshe  
Weitz Arnold Velazquez  
Capt. William Strachan Gregory Pierce John Kurzman

**Excused:** Edward Woodward Jesus M. Gomez Robert Barnes

**Absent:** Steven L. Johns

**Staff Present:** Francisco J. Quintana, Secretary Hugo Benitez,  
Asst. County Attorney  
Yvonne Bell, Recording Secretary

**Court Reporter:** Isabel Seralnick

**Commenced at 1:25 p.m.**

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**Minutes of September 23, 1999 and November 18, 1999**

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Mr. Utterback requested a motion to approve the minutes for September. Mr. Salvador moved to approve the September minutes and Mr. Horton seconded the motion.

Mr. Utterback then requested a motion to approve the minutes of the November meeting. A motion was made by Mr. Salvador to accept the minutes and Mr. Pierce seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

Mr. Utterback requested a motion of the Board to accept the Consent Agenda and Emergency Consent Agenda.

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**CONSENT AGENDA**

**APPEAL #1: TCO EXTENSION, PERMIT No. 1996055847, Maresma**

**APPEAL #2: TCO EXTENSION, PERMIT No. 1999002557, Sanchez**

**APPEAL #3: TCO EXTENSION, PERMIT No. B9701091, Burch**

**APPEAL #4: TCO EXTENSION, PERMIT No. BC099215, De La Fuente**

**EMERGENCY CONSENT AGENDA:**

-

**APPEAL #1: TCC EXTENSION, PERMIT No. B9801740, Goldstein**

**APPEAL #2: TCO EXTENSION, PERMIT No. 99-009547, Tuggle**

Mr. Horton moved to approve the Consent Agenda and Emergency Consent Agenda. Mr. Salvador seconded the motion.

**Motion carried unanimously.**

(For a verbatim version of the aforementioned item, refer to the transcript.)

Mr. Salvador made a motion to acknowledge the certification report, since there were six people present and the report would take only a few minutes. Mr. Kurzman seconded the motion that this be the next item of business on the agenda.

Mr. Salvador then reported on the recommendations of the Certification Subcommittee and presented the

following list of rejected and approved for New Certification for the month of December:

**Approved:**

-

**New Certification**

**INSPECTOR:**

**REPRESENTING:**

**DISCIPLINES:**

Buckler, Paul W. Pinecrest Plans Examiner (Building)

Dominguez, Pedro M. Dade County Plans Examiner  
(Mechanical)

Examiner Mechanical (Res.) Plans

Inspector Mechanical

Karcher, David L. Dade County Electrical Inspector

Lee, Dale E. North Miami Beach Building Official

Examiner (Building) Plans

Inspector (Structural) Building

Ozuna, Jose D.  
(Structural)

North Bay Village

Building Inspector

Perez, Jan Pierre  
Inspector

North Bay Village

Mechanical

Examiner (Mechanical)

Plans

Examiner Mechanical (Res.)

Plans

Poetsche, Gregory  
Plumbing

North Bay Village

Plans Examiner

Inspector

Plumbing

Whiteman, William E.  
(Structural)

North Miami Beach

Building Inspector

(Residential)

Roofing Inspector

The following individuals are being recommended for **rejection** for **New Certification** for 1999.

**INSPECTOR:**

**REPRESENTING:**

**DISCIPLINES:**

Lee, Dale E.

North Miami Beach

Roofing Inspector (Commercial)

(Residential)

Roofing Inspector

Whiteman, William E.  
(Commercial)

North Miami Beach

Roofing Inspector

Mr. Salvador made a motion to add **Mr. Whiteman** and **Mr. Dale Lee** to the new certification list. Mr. Kurzman seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

Mr. Utterback then informed the members that **Appeal #1** had been deferred to the January 20<sup>th</sup> meeting at the request of the appellant and proceeded to address Appeal #2.

**APPEAL #2: APPEAL OF BUILDING OFFICIAL'S DECISION: City of Miami Beach, 6767 Collins Avenue, Chapter 3, Section 305.2 of the SFBC, Failure to obtain Mandatory Inspections**

Mr. Larry Goins stated to the Board that he has been a qualifying agent for 18 years and his license does not allow him to contract work and having to obtain shutters after five or six years is not feasible since the work has been long completed. He informed the Board that he has read the sections of the code on which Mr. Azan based his decision and feels that there may be some remedy. Mr. Goins is asking that the permits not be re-issued.

Mr. Philip Azan, Building Official for Miami Beach, stated that the city will not have any objections if the Board revalidated the permits and then the new shutter company can verify the installation.

Mr. Hugo Benitez, Assistant County Attorney, informed the members that he doesn't know of any provisions in the code that would allow the Board to revalidate an expired permit.

Mr. Weitz asked Mr. Goins if there were ever any legal issues against the company or the permit holder.

Mr. Goins replied that there have been some civil litigations and one of them is still pending right now.

Mr. Weitz then made a motion that the permits are still in effect and do not need to be reviewed pursuant to Section 304.3(f) of the South Florida Building Code.

After further discussion, Mr. Benitez reiterated Mr. Weitz's motion stating "that under the circumstances demonstrated, there was sufficient legal action by the appellant and pursuant to Section 304.3(f) of the South Florida Building Code the permits are still in effect". The motion was then seconded by Mr. Kurzman.

**Motion passed 9 to 2. Mr. Salvador and Mr. Diaz were opposed.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**APPEAL #3: APPEAL OF BUILDING OFFICIAL'S DECISION: City of Miami Beach, Edgewater Beach Hotel, 1410 Ocean Drive, Section 304.3(b) of the SFBC, Extension of Permits**

Mr. Buddy Montgomery informed the Board that they have received the financing from the bank to complete the project and explained to the Board that they mobilized the pile drivers and were loading the test pile up when they ran out of time to conduct inspections.

Mr. Philip Azan, Building Official for Miami Beach, stated that there was a lack of communication. He explained to the members that Mr. Montgomery was in the process of mobilizing the last time they met and since that meeting he has added the auger piles.

Mr. Utterback then informed the members that this case did not need to be heard since the information received today was to satisfaction of the Building Official of Miami Beach.

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**TCO/TCC Appeals**

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**APPEAL #1: TCO EXTENSION, PERMIT No. 93278779, Miami International Airport, Aviation Department, Gonzalez**

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Mr. Juan Gonzalez, distributed to the Board members a written letter dated December 16, 1999. Mr. Gonzalez then informed the Board that he is requesting the sixth TCO extension for Concourse "H" due to the fact that a test performed on the glass with fire but the Fire Department did not like the results. Therefore, they are now willing to proceed with adding the deluge system or some version of it as requested by them.

Chief Fred Webb, with Miami-Dade County Fire Department, stated that he doesn't agree to another extension on the TCO. He informed the members that they want the letter of commitment as soon as possible from the Aviation Department outlining conditions and providing timetables for the system.

Mr. Ray Southern, the Vice-President of Centex Rooney and was also the qualifier for Concourse "H". Mr. Southern explained to the members that this project was awarded to them without any of the deluge work in the contract. Therefore, Mr. Southern feels that this is very unfair to him and requested that something be done to relieve or terminate this permit to allow him to get out of this matter.

Mr. Diaz stated that this very unfair for the general contractor to be tied up in this situation and directed a question to the County Attorney about solutions to free Mr. Southern.

Mr. Benitez stated that he has spoken with Mr. Southern about finding a way out but, wasn't prepared at the moment by reason that the Code is not clear for a situation as this.

Mr. Charles Danger explained to the members that Mr. Southern's contract did not cover the work but, when he pulls a permit as the general contractor, he is responsible for the job to be completed. Furthermore, Mr. Danger suggested that a hold harmless letter from the Aviation Department may help.

After much discussion, Mr. Salvador made a motion that within 30-days the Aviation Department shall present a signed agreement acceptable to the Building Department and Fire Department and present the agreement at the next scheduled board meeting for consideration. There must be a solution for the life safety problem that exists in Concourse "H" acceptable to the Fire Marshall. Also, the general contractor will be released within five (5) days through a hold harmless letter and a substitute contractor shall be employed within the 30-day period. In the event that either one of these conditions is not satisfied, the extension will lapse at the end of the 30-day period. Mr. Kurzman seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

## **REPORTS**

### **Miami-Dade Aviation Department Open Permits**

Mr. Charles Danger, Building Official for Unincorporated Miami-Dade County informed the Board members that he reviewed the report prepared by Mr. Narinder Jolly and all 21 of the permits lack mechanical inspections that have to do with smoke evacuation tests and fire sprinkler tests. Mr. Dangers added that the permits are expired and the TCO's are no longer valid because they did not comply with obtaining the final CO's. He furthermore, suggested that the Board instruct the Aviation Department to

meet with him to address the status of these permits.

After some discussion, a motion was made by Mr. Horton to direct the Aviation Department to meet with the Building Official of Unincorporated Miami-Dade County to resolve the issues on those permits that have expired. Motion seconded by Mr. Manuel.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

### **Waterproofing Subcommittee**

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Mr. Pierce informed the Board that the subcommittee addressed some issues as to the guidelines for how the waterproofing will be used and that information will be in next month's package, at that time the Board should be ready to take a vote on the issue.

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Mr. Utterback informed the members that an emergency issue was just brought to his attention. A motion was made by Mr. Horton to hear the issue and seconded by Mr. Velazquez.

### **Emergency Item - Jubilee Villas Condominiums**

Mr. Doug Mayer, the Director of Development for Jubilee Community Development Corporation stated that four churches founded them in 1993 and their mission is to build affordable housing for low-income families. He explained the issue is concerning a window in the corridor and when they met with the Fire Department and the Building Department he was told not to make this a bedroom but the financing for the structure calls for 30 two-bedroom units.

Mr. Heraldo Vasquez, stated that the Fire Department of the City of Miami wanted a second means of egress from the bedroom but, according to the Life Safety Code, there is an exemption for a fully sprinkled building.

Mr. Roberto Hevia, Building Official for the City of Miami, stated that there is a letter that says that he agreed with the Fire Marshal's opinion based on the fact that the fusible link shutter but, he doesn't know if it has a UL assembly that is smoke-proof and complies with the half-hour requirement.

Captain Strachan asked Mr. Hevia if would he accept a smoke-operated type that is operated by a smoke sensor. He then expressed his concerns on why the Fire Department was not present for this case and added that the issues like this usually goes before the Fire Safety Appeals Board for them to come up with engineering ideas that are acceptable.

Mr. Hevia stated that he has no objections accepting a smoke-operated type connected to the smoke alarm as long as it is for smoke and fire.

Upon much discussion, Mr. Horton made a motion that the South Florida Building Code does not require you to provide a second means of escape and that the Board upheld the Building Official's decision that a smoke and fire protected window is required. The mechanism for the window should be determined by the Fire Marshall, who has the authority and jurisdiction to work out the system of protection. Motion seconded by Mr. Velazquez.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

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**Meeting concluded at 4:32 p.m.**