

MINUTES OF THE BOARD OF RULES AND APPEALS MEETING ON 01-16-03

Attendance: Thomas Utterback, CH John Kurzman Robert Barnes Enrique Salvador
Arnold Velazquez Rolando Diaz Chief Virgil Fernandez Capt. William Strachan
Edward Woodard Jesus M. Gomez

Excused: Richard Horton, VC Justin Manuel Carmen Garcia Steven L. Johns
Gregory Pierce William Riley

Staff Present: Herminio F. Gonzalez, Secretary Mariela Martinez-Cid, Asst. County Attorney
Yvonne Bell, Recording Secretary

Court Reporter: Isabel Seralnick

Commenced at 1:25 p.m.

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

CONSENT AGENDA

APPEAL #1: TCO EXTENSION, PERMIT No. 01-5007320, de la Fuente
APPEAL #2: TCO EXTENSION, PERMIT No. 00-99-00133, Barrow
APPEAL #3: TCC EXTENSION, PERMIT No. 01020324, Dyer
APPEAL #4: TCC EXTENSION, PERMIT No. 01031359, Dyer
APPEAL #5: TCC EXTENSION, PERMIT No. 01031360, Dyer
APPEAL #6: TCO EXTENSION, PERMIT No. BC001044, de la Fuente
APPEAL #7: TCO EXTENSION, PERMIT No. 9378779, Delgado

EMERGENCY CONSENT AGENDA

APPEAL #1: TCO EXTENSION, PERMIT No. B000111, Kuhl

Mr. Kurzman moved to accept the Consent Agenda and Emergency Consent Agenda items. Mr. Diaz seconded the motion.

Motion carried unanimously.

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

Minutes of December 19th, 2002

Mr. Utterback then requested a motion to approve the minutes for the December 19th, 2002 meeting. Mr. Kurzman moved to approve the minutes of the last meeting. Motion seconded by Mr. Diaz.

Motion carried unanimously.

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

APPEAL #1: APPEAL OF BUILDING OFFICIAL'S DECISION: Town of Surfside, Gene Howard Properties, Inc., 9848 Collins Avenue, 40-year Recertification

The appellant requested that this item be **deferred** to the next Board of Rules and Appeals hearing.

APPEAL #2: APPEAL OF BUILDING OFFICIAL'S DECISION: City of Miami, 104 N.E. 41 Street, FBC Charter 10 and Vertical Accessibility

The appellant requested that this appeal be **withdrawn**, due to the fact that an interpretation of the vertical accessibility provisions can not be sought from the Board of Rules and Appeals.

TCO/TCC APPEALS

TCC APPEAL #1: APPEAL OF BUILDING OFFICIAL'S DECISION: City of Miami Beach, The Grand Flamingo, 1500 Bay Road, South Tower-Pool, Permit #B9801740

TCC APPEAL #2: APPEAL OF BUILDING OFFICIAL'S DECISION: City of Miami Beach, The Grand Flamingo, 1500 Bay Road, South Tower-Existing Garage, Permit #B00001107

TCC APPEAL #3: APPEAL OF BUILDING OFFICIAL'S DECISION: City of Miami Beach, The Grand Flamingo, 1500 Bay Road, North Building-Ground to 15th Floor, Permit #B9904240

TCC APPEAL #4: APPEAL OF BUILDING OFFICIAL'S DECISION: City of Miami Beach, The Grand Flamingo, 1500 Bay Road, South Tower-2nd to 15th Floor and 12 Lanai Units, Permit #B9801740

EMERGENCY AGENDA TCO/TCC APEAL

TCC APPEAL #4: APPEAL OF BUILDING OFFICIAL'S DECISION: City of Miami Beach, The Grand Flamingo, 1500 Bay Road, New Parking Garage Levels 1-4, Permit #B0001111

Mr. Diaz moved to hear the appeals as well as the Emergence Appeal TCO item. Motion seconded by Mr. Kurzman.

Motion carried unanimously.

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

Mr. Garret Kuhl informed the board the extension was needed to complete new construction and Mr. Azan has no objections to the extension requested.

Mr. Philip Azan, Building Official for the City of Miami commented that he had no objections to the extension.

Mr. Velazquez then moved to grant the extension for the above-mentioned appeals. Motion seconded by Mr. Salvador.

Motion carried unanimously.

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

New Board Member

Mr. Utterback took the opportunity to welcome new board member **Alfonso Fernandez-Fraga** to the Board of Rules and Appeals. He was then welcomed by the full board.

REPORT #1

Certification of Inspectors/Plans Examiners for January 2003

Certification Subcommittee Recommendations – Certification of Building Officials, Inspectors, and Plans Examiners

Mr. Salvador announced that the following individuals were being recommended for **approval** for **New Certification** for November, 2002.

The following individuals are being recommended for **approval** for **New Certification** for 2002.

INSPECTOR:

REPRESENTING:

DISCIPLINES:

The following individuals are being recommended for **approval** for **Re-Certification** for 2003.

See Attached Inspector Tracking System Applicants per Year Report, (Noted Certified)

The following individuals are being recommended for **rejection** for **Re Certification** for 2003.

Balsara, Nariman S.	Miami Beach	Building Inspector (Structural) Plans Examiner (Building) Plans Examiner (Structural)
De Leon, Samuel	Miami Beach	Building Inspector (Structural)
Mosbat, Mark	Miami Beach	Building Inspector (Structural)
Oruña, Felipe	Virginia Gardens	Building Official
Poirier, Jr. Raymond J.	Sweetwater	Chief Electrical Inspector
Subira, Salvador E.	City of Miami	Building Inspector (Structural) Roofing Inspector (Commercial) Roofing Inspector (Residential) Plans Examiner (Building)

The following individuals are being recommended for **approval** for **New Certification** for 2003.

INSPECTOR:

REPRESENTING:

DISCIPLINES:

Canales, Eduardo	City of Miami	Plans Examiner (Electrical)
Cobo, Jose	North Miami	Mechanical Inspector
Corrales, Alberto J.	Town of Miami Lakes	Plans Examiner (Building) Roofing Insp. (Commercial)

The following individuals are being recommended for **approval** for **New Certification** for 2003.

INSPECTOR:

Cotto, Wilfredo C.
Desharnais Sr., George W.

REPRESENTING:

Miami-Dade County
Miami Shore Village

DISCIPLINES:

Building Insp. (Structural)
Chief Building Inspector
Plans Examiner (Building)
Roofing Insp. (Residential)
Building Insp. (Structural)
Plans Examiner (Electrical)
Electrical Inspector
Plans Examiner (Electrical)
Electrical Inspector
Chief Mechanical Inspector
Building Insp. (Structural)
Roofing Insp. (Commercial)
Roofing Insp. (Residential)
Plans Examiner (Building)
Plans Examiner (Electrical)
Electrical Inspector

Guasp, Jorge

Town of Miami Lakes

City of Aventura

Lindgren, Clifford J.
Palacio, Eliezer

North Miami
Town of Miami Lakes

Rivera, Galeno C.
Tobares, Fernando

Miami-Dade County
City of Hialeah

Mr. Salvador made a moved to **accept** the above-mentioned individuals for **New Certification**. Motion seconded by Mr. V. Fernandez.

Motion carried unanimously.

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

After some discussion, Mr. Salvador moved that they do not recognize this license through reciprocity. Motion seconded by Mr. Velazquez.

Motion carried unanimously.

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

Discussion: James Dinnen

At this time, Mr. Salvador then moved to grant Mr. Dinnen New Certification due to the fact that he now meets all qualifications. Motion seconded by Mr. Velazquez.

Motion carried unanimously.

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

Discussion: Arnold Velazquez

Mr. Velazquez recommended sending this area of concern to subcommittee

Meeting adjourned at 2:00 P.M.

MINUTES OF THE BOARD OF RULES AND APPEALS MEETING ON 02-20-03

Attendance: Thomas Utterback, CH Richard Horton, VC Justin Manuel John Kurzman Robert Barnes
Enrique Salvador Steven L. Johns Arnold Velazquez Rolando Diaz Chief Virgil Fernandez
Edward Woodard Jesus M. Gomez William Riley

Excused: Carmen Garcia Gregory Pierce Capt. William Strachan

Staff Present: Herminio F. Gonzalez, Secretary Mariela Martinez-Cid, Asst. County Attorney
Yvonne Bell, Recording Secretary

Court Reporter: Isabel Seralnick

Commenced at 1:27 p.m.

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

CONSENT AGENDA

APPEAL #1: TCC EXTENSION, PERMIT No. 30202192, Ohanian
APPEAL #2: TCO EXTENSION, PERMIT No. 1996055847, Gonzalez
APPEAL #3: TCO EXTENSION, PERMIT No. 1997066519, Gonzalez
APPEAL #4: TCO EXTENSION, PERMIT No. 1997066629, Gonzalez
APPEAL #5: TCO EXTENSION, PERMIT No. B0102286, BC002198, B010746, BC002202, B0101758, BC002157, B0201017, BC002158, Ratner
APPEAL #6: TCC EXTENSION, PERMIT No. 00110089, Dyer
APPEAL #7: TCC EXTENSION, PERMIT No. 00100285, Dyer
APPEAL #8: TCO EXTENSION, PERMIT No. 200-008924, Aristizabal
APPEAL #9: TCO EXTENSION, PERMIT No. 2000078065, Harrison
APPEAL #11: TCO EXTENSION, PERMIT No. B0100654, Upegui

EMERGENCY CONSENT AGENDA

APPEAL #1: TCC EXTENSION, PERMIT No. BCC0200285, Cober
APPEAL #2: TCC EXTENSION, PERMIT No. 00060452, Wilkie
APPEAL #3: TCO EXTENSION, PERMIT No. 02030519, Folino
APPEAL #4: TCO EXTENSION, PERMIT No. 01050453, Folino
APPEAL #5: TCC EXTENSION, PERMIT No. B0200874, Rubinson
APPEAL #6: TCO EXTENSION, PERMIT No. 005019700, Bonet
APPEAL #7: TCC EXTENSION, PERMIT No. 94020613, Pasantes

Mr. Kurzman had a concern about **APPEAL #10: TCO EXTENSION, PERMIT No. 9378779, Delgado** and requested to know whether or not the pool area was properly secured.

At this time, Mr. Utterback asked if Mr. Robert Deluga who was present. Mr. Horton then moved to table this item until 2:00 P.M. Motion seconded by Mr. Riley.

Motion carried unanimously.

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

Mr. Kurzman then moved to accept the Consent Agenda and Emergency Consent Agenda items with the exception of **TCO No. 10**, which they will hear separately. Mr. Horton seconded the motion.

Motion carried unanimously.

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

Minutes of January 16, 2003

Mr. Utterback then requested a motion to approve the minutes for the January 16th, 2003 meeting. Mr. Horton moved to approve the minutes of the last meeting. Mr. Kurzman 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 Beach, Ilonabay, 1577 Bay Road, Extension of Permit

Mrs. Lucia Dougherty informed the Board that this is two buildings with two separate building permits. She further indicated construction was to begin on Phase II, but because Phase I was delayed the work had not commenced. Therefore, Mrs. Dougherty requested with the approval of the Building Official, Philip Azan an extension to the building permit to commence construction.

After some discussion, Mr. Johns moved to grant the extension of the permit based on the recommendation of the Building Official. Mr. Woodward 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, Neo Rover Lofts, 10 S.W. South River Drive, FBC Pool Barrier, Section 424.2.17.1.9

Mr. Lawrence Beame, Architect for the project, stated that there was a conflict for the doors to the pool area and proposed to mount an exit device at 36" on the door with a 30 second delay. He added that the pool area would be monitored by closed circuit T.V.

Mr. Joe Ferras, City of Miami Building Official, stated that the alternate may very well work, but since there is a conflict in the codes he does not feel comfortable in making a decision in this matter. He stated that the Florida Building Code does not define barriers.

Mr. Horton remarked that, in his opinion, the 30 second alarm was not enough and perhaps they could implement a card access entry and then add intercoms for those who forgot their entry card.

Mr. Virgil Fernandez stated that the Fire code wants there to be access for children and people in wheel chairs to be able to exit in the case of a fire. Mr. Fernandez added that the appellant would meet the intent of the code if this was not an exit and clearly the problem is the 30 second delay.

Mr. Kurzman asked Mr. Beame why they did not wish to erect a four foot barrier, which seems more feasible.

Mr. Beame remarked that he believed that the alternate can serve the same purpose.

Mr. Utterback asked for Mr. Ferras' position on this issue.

Mr. Ferras responded that he believed that the only options are for them to add the separate barrier to comply with both the Fire Code and the Building Code.

After much discussion, Mr. Horton moved to deny the appeal. Mr. Kurzman seconded the motion.

Motion carried unanimously.

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

Consent Agenda Appeal No. 10

Mr. Velazquez moved to grant the TCO extension provided the Building Official assures that there are proper safety measures in place regarding the pool. Mr. Kurzman seconded the motion.

Motion carried unanimously.

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

TCO/TCC APPEALS

TCO APPEAL #1: APPEAL OF BUILDING OFFICIAL'S DECISION: City of Miami Beach, Blue and Green Diamond Condominium, 4775 Collins Avenue, Permit #B9904387

Mr. Bob de la Fuente was present at the hearing for this appeal.

Mr. Velazquez moved to grant the appeal based on the recommendation of the Building Official. Mr. Johns seconded the motion.

Motion carried unanimously.

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

TCO APPEAL #2: APPEAL OF BUILDING OFFICIAL'S DECISION: City of Miami Beach, Sunset Harbour, 1900 Sunset Harbour, B8800095

Mr. Mario Garcia, who was taking the place of Mr. Robert Fine, informed the Board that the extension was needed to complete repairs, as well as time for an outstanding litigation to be finalized.

Mr. Johns moved to grant the appeal based on the recommendation of the Building Official. Mr. Velazquez seconded the motion.

Discussion on the motion:

Mr. James Harrington, representative for the Association, stated that there was no objection to the extension, but asked of the board to monitor the progress of work at the site, only to assure that the project is completed in the time allotted.

Mr. Utterback stated that he was confident that the Building Official would monitor the progress.

Mr. Velazquez informed Mr. Harrington that they could always return to the Board of Rules and Appeals.

Motion carried unanimously.

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

REPORT #1

Certification of Inspectors/Plans Examiners for February 2003

Certification Subcommittee Recommendations – Certification of Building Officials, Inspectors, and Plans Examiners

The following individuals are being recommended for **approval** for **Re-Certification** for 2003.

INSPECTOR:

Alvarez, Ibrahim
Balsara, Nariman

Beltran, Julio
Boylan, Brian D.
Bryntesen, Murray G.
Cankat, Mustafa
De Leon, Samuel
Elledge, Paul

Fernandez, Mariano

Gonzalez, Rodolfo F.

Gutkin, Leonard

Iglesias, Peter J.
Lanza, Carlos

Lindgren, Jr., John C.

Menendez, Tomas F.

Mosbat, Mark
Oruña, Felipe
Palacio, Eliezer

Peon, George

Piñon, Raul

REPRESENTING:

Miami Beach
Miami Beach

Miami Beach
Homestead
Miami Beach
Homestead
Miami Beach
Miami Beach

Indian Creek

Medley

Indian Creek

Coral Gables
Indian Creek

Indian Creek

Hialeah Gardens

Miami Beach
Virginia Gardens
Hialeah Gardens

Key Biscayne

Coral Gables

DISCIPLINES:

Building Inspector (Structural)
Building Inspector (Structural)
Plans Examiner Building
Plans Examiner Structural
Electrical Inspector
Electrical Inspector
Building Inspector (Structural)
Plans Examiner Structural
Building Inspector (Structural)
Chief Plumbing Inspector
Plans Examiner Plumbing
Building Official
Chief Building Inspector
Roofing Insp. (Residential)
Plans Examiner (Structural)
Building Inspector (Structural)
Roofing Inspector (Residential)
Roofing Inspector (Commercial)
Chief Electrical Inspector
Plans Examiner Electrical
Plans Examiner Structural
Roofing Inspector (Residential)
Roofing Inspector (Commercial)
Plans Examiner Building
Chief Plumbing Inspector
Plans Examiner Plumbing
Plumbing Inspector
Electrical Inspector
Plans Examiner Electrical
Building Inspector (Structural)
Building Official
Building Inspector (Structural)
Roofing Inspector (Residential)
Roofing Inspector (Commercial)
Plans Examiner Building
Building Inspector (Structural)
Roofing Inspector (Commercial)
Plans Examiner Building
Building Inspector (Structural)
Chief Building Inspector

Poirier Jr., Raymond J.	Sweetwater	Plans Examiner Building Roofing Inspector (Commercial) Chief Electrical Inspector Electrical Inspector
Stein, Edward H.	Indian Creek	Chief Mechanical Inspector Plans Examiner Mechanical Mechanical Inspector
Subira, Salvador	City of Miami	Building Inspector (Structural) Roofing Inspector (Residential) Roofing Inspector (Commercial)
Urrutia, Jorge	Virginia Gardens	Plans Examiner Building Building Inspector (Structural) Chief Building Inspector Roofing Inspector (Commercial) Roofing Inspector (Residential)
Valdes-Linares, Manuel	Hialeah Gardens	Plans Examiner Building Plans Examiner Structural

Mr. Kurzman moved to **approve** the above-mentioned individuals for **Re-Certification** for 2003. Mr. Johns seconded the motion.

Motion carried unanimously.

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

Mr. Salvador informed the members that the listed individuals were being **rejected** for **Re-Certification** for 2003.

INSPECTOR:

Buckler, Paul W.
Gioia, Paul

REPRESENTING:

Pinecrest
Golden Beach

DISCIPLINES:

Plans Examiner Building
Building Inspector (Structural)
Building Official
Roofing Inspector (Commercial)
Roofing Inspector (Residential)
Plan Examiner Building
Building Inspector (Structural)
Building Inspector (Structural)
Roofing Inspector (Commercial)
Mechanical Inspector
Plans Examiner Mechanical

O'Donnell, William R.
Porfiri, John
Rivas, Angel
Saymon, Burt J.

Miami Beach
Coral Gables
Hialeah
Pinecrest

Mr. Salvador further informed the Board that Mr. Gioia, Mr. O'Donnell, Mr. Porfiri and Mr. Saymon did attend the Certification Subcommittee. He then moved to allow these individuals to make up the hours through the Building Code Compliance Office within thirty (**30**) days and once they have completed these hours they could be approved for **Re-Certification**. Mr. Kurzman seconded the motion.

Motion carried unanimously.

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

Mr. Gamoneda asked could this courtesy be offered to Mr. Buckler, who was not in attendance to the meeting.

The Board agreed.

Mr. Salvador then informed the members that Mr. Angel Rivas does not have the proper licensure for Roofing Inspector (Commercial) and therefore recommended that he be **rejected** for **Re-Certification**. Mr. Kurzman seconded the motion.

Motion carried unanimously.

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

Mr. Salvador then stated the board that the following individuals were being recommended for **approval** for **New Certification** for 2003.

INSPECTOR:

Alvarez, Elio
Annese, Salvatore D.
Cardona, Eduardo

REPRESENTING:

Town of Miami Lakes
Biscayne Park
Miami-Dade County

DISCIPLINES:

Chief Electrical Inspector
Chief Building Inspector
Plans Examiner (Structural)

Cobo, Jose DeJonge, David A. Desharnais Sr., George W. Esher, Charles B.	Village of Virginia Gardens Coral Gables Miami Shores Village Village of El Portal	Chief Mechanical Inspector Plans Examiner Plumbing Building Official Building Insp. (Structural) Chief Building Inspector Roofing Insp. (Commercial) Roofing Insp. (Residential) Plans Examiner (Building) Plans Examiner Structural Building Insp. (Structural) Chief Building Inspector Chief Building Inspector Plans Examiner (Building) Plans Examiner (Structural) Plans Examiner Structural Chief Building Inspector Plans Examiner (Building) Plans Examiner (Structural) Roofing Insp. (Commercial) Roofing Insp. (Residential) Building Insp. (Structural) Plans Examiner (Building) Chief Building Inspector Building Insp. (Structural) Roofing Insp. (Commercial) Roofing Insp. (Residential) Plans Examiner (Building) Plans Examiner (Building) Chief Plumbing Inspector Roofing Insp. (Residential) Building Insp. (Structural) Roofing Insp. (Commercial) Roofing Insp. (Residential) Building Insp. (Structural)
Fernandez, Mariano V. Goldstein, Steven M. Lanza, Carlos	Sweetwater Miami Beach North Bay Village Sweetwater	
Llanos, Leo	Village of Pinecrest	
Mitrani, Jose D. Naumann, Carlos A.	North Miami Beach Opa Locka	
Nieda R.A., Daniel B. Sanchez, Ignacio	Bal Harbour Village Town of Miami Lakes	
Silva, Edward Urrely, Jose Valencia, Alberto J.	Village of Pinecrest Village of Virginia Gardens City of Hialeah	
Vargas, Angel L.	Golden Beach	

Mr. Salvador moved to **grant New Certification** for the above-listed individuals for 2003. Mr. Kurzman seconded the motion.

Motion carried unanimously.

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

As a point of information from the last Board hearing Mr. Kurzman advised the members that he had contacted all of the municipalities through a letter prepared by the League of Cities.

Mr. Gamoneda stated that the Building Code Compliance Office also contacted the municipalities via mail.

Mr. Salvador added that there was an issue with Mr. Jose Mitrani.

Mr. Gamoneda explained further that Mr. Mitrani was certified in other municipalities, but not in the City of North Miami Beach where they never requested certification for Mr. Mitrani. He informed the Board that Mr. Mitrani amended his application and through lack of communication he continued to do plans. Mr. Gamoneda further remarked that Mr. Mitrani would like the Board to certify him retroactively for 2003, due to the fact that he was doing plans for the City of North Miami Beach.

After some discussion, Mr. Kurzman moved to place Mr. Mitrani active during the time as indicated since he had the qualifications. Mr. Velazquez seconded the motion.

Motion carried unanimously.

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

Discussions:

Mr. Salvador turned the Board's attention to the website for the Building Code Compliance Office, which has information about employee's licenses. He then remarked that next year individuals will not be able to watch tapes.

Mr. Johns agreed wholeheartedly.

Mr. Velazquez praised the Building Code Compliance Office on their website improvements and other initiatives.

Mr. Joe Cyrus with the City of Coral Gables asked about the change to certification and wanted to know if you have the State certification as Plans Examiner and Inspector will the fulfill the needs of the certification of any discipline.

Mr. Salvador stated that Chapter 8 of the Miami-Dade County code must be met.

EMERGENCY AGENDA TCO/TCC APEAL

TCO APPEAL #1: APPEAL OF BUILDING OFFICIAL'S DECISION: City of Miami Beach, The Grand Flamingo, 1500 Bay Road, New Parking Garage Levels 1-4, Permit #B0001111

Mr. Garret Kuhl informed the Board that the extension is for a seven story garage, which they have plans to complete this year, but they can not obtain the Certificate of Occupancy until they complete the repairs. He further added that they are providing valet parking for the residents.

Mr. Velazquez moved to grant the extension for the above-mentioned appeal in association with the Grand Flamingo. Mr. Gomez seconded the motion.

Motion carried unanimously.

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

Discussion: Chairperson and Vice Chairperson Election

The Board decided to conduct elections at the next Board of Rules and Appeals meeting.

Meeting adjourned at 2:20 P.M.

MINUTES OF THE BOARD OF RULES AND APPEALS MEETING ON 03-20-03

Attendance: Thomas Utterback, CH Richard Horton, VC Justin Manuel John Kurzman Robert Barnes
Enrique Salvador Steven L. Johns Rolando Diaz Chief Virgil Fernandez Edward Woodard
Jesus M. Gomez William Riley Carmen Garcia Gregory Pierce

Excused: Capt. William Strachan Arnold Velazquez

Staff Present: Herminio F. Gonzalez, Secretary Mariela Martinez-Cid, Asst. County Attorney
Yvonne Bell, Recording Secretary

Court Reporter: Isabel Seralnick

Commenced at 1:28 p.m.

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

CONSENT AGENDA

APPEAL #1: TCO EXTENSION, PERMIT No. 015006023, Zulueta
APPEAL #2: TCO EXTENSION, PERMIT No. 01060053, Gearhard
APPEAL #3: TCO EXTENSION, PERMIT No. B0100200, Puig
APPEAL #4: TCO EXTENSION, PERMIT No. B99-03151, Brown
APPEAL #5: TCO EXTENSION, PERMIT No. 01-5007320, de la Fuente
APPEAL #6: TCO EXTENSION, PERMIT No. 2002-059026, Backer
APPEAL #7: TCO EXTENSION, PERMIT No. 1995-049753, Mainster
APPEAL #8: TCC EXTENSION, PERMIT No. BCC0200349, Rubinson

EMERGENCY CONSENT AGENDA

APPEAL #1: TCC EXTENSION, PERMIT No. 01031359, Dyer
APPEAL #2: TCC EXTENSION, PERMIT No. 01031360, Dyer
APPEAL #3: TCC EXTENSION, PERMIT No. 01020324, Dyer
APPEAL #4: TCO EXTENSION, PERMIT No. 2001-095493, Marin
APPEAL #5: TCO EXTENSION, PERMIT No. 2002-083496, Robinson

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

Motion carried unanimously. (Mr. Diaz left the room for the voting process).

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

Minutes of February 20, 2003

Mr. Utterback then requested a motion to approve the minutes for the February 20th, 2003 meeting. Mr. Kurzman moved to approve the minutes of the last meeting. 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: Unincorporated Miami-Dade County, Miami-Dade Aviation Department, 1 Miad Hanger 5/48, Revocation of Permit #1996054786

This appeal was **deferred** at the request of the appellant.

TCO/TCC APPEALS

TCC APPEAL #1: APPEAL OF BUILDING OFFICIAL'S DECISION: Unincorporated Miami-Dade County, 12193 S.W. 2 Street, Permit #1998-046211

Mr. Salvador moved to grant a 60-day extension for the above-mentioned permit number. Mr. V. Fernandez seconded the motion.

Motion carried unanimously.

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

TCC APPEAL #2: APPEAL OF BUILDING OFFICIAL'S DECISION: Unincorporated Miami-Dade County, 12163 S.W. 2 Street, Permit #1998-024872

Mr. Salvador moved to grant a 60-day extension for the above-mentioned permit number. Mr. V. Fernandez seconded the motion.

Motion carried unanimously.

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

TCO APPEAL #3: APPEAL OF BUILDING OFFICIAL'S DECISION: City of Miami Beach, 1516 Washington Avenue, Permit #B0000801

Mr. Salvador moved to grant a 90-day extension for the above-mentioned permit number. Mr. Diaz seconded the motion.

Motion carried unanimously.

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

TCO APPEAL #4: APPEAL OF BUILDING OFFICIAL'S DECISION: City of Coral Gables, Biltmore Associates, Inc., 671 Biltmore Way, Permit #99090011

Mr. Kurzman moved to grant the extension for the above-mentioned permit number. Mr. Horton seconded the motion.

Motion carried unanimously. (Mr. Diaz left the room for the voting process).

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

TCO APPEAL #5: APPEAL OF BUILDING OFFICIAL'S DECISION: City of Miami Beach, The Grand Flamingo, 1500 Bay Road, South Tower, Pool & Lower Deck, Permit #99090011

Mr. Salvador moved to grant a 60-day extension for the above-mentioned permit number. Mr. Kurzman seconded the motion.

Motion carried unanimously.

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

TCO APPEAL #6: APPEAL OF BUILDING OFFICIAL'S DECISION: City of Miami Beach, The Grand Flamingo, 1500 Bay Road, 2nd to 15th Floor and Lanai Units, Permit #B9801740

Mr. Salvador moved to grant a 60-day extension for the above-mentioned permit number. Mr. Kurzman seconded the motion.

Motion carried unanimously.

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

TCO APPEAL #7: APPEAL OF BUILDING OFFICIAL'S DECISION: City of Miami Beach, The Grand Flamingo, 1500 Bay Road, North Building, Ground to 15th Floor, Permit #B9904240

Mr. Salvador moved to grant a 60-day extension for the above-mentioned permit number. Mr. Kurzman seconded the motion.

Motion carried unanimously.

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

REPORT #1

Certification of Inspectors/Plans Examiners for March

Certification Subcommittee Recommendations – Certification of Building Officials, Inspectors, and Plans Examiners

The following individuals are being recommended for **approval** for **Re-Certification** for 2003.

INSPECTOR:

Barrios, Ardiel

Iglesias, Peter J.

O'Donnell, William R.

Porfiri, John R.

Saymon, Burt

REPRESENTING:

City of Hialeah

South Miami

Miami Beach

Coral Gables

Pinecrest

DISCIPLINES:

Roofing Inspector (Commercial)

Roofing Inspector (Residential)

Plans Examiner Structural

Building Inspector (Structural)

Building Inspector (Structural)

Mechanical Inspector

Plans Examiner Mechanical

Mr. Salvador then moved to **approve** the above-mentioned individuals for **Re-Certification** for 2003. Mr. V. Fernandez seconded the motion.

Motion carried unanimously.

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

The following individuals are being recommended for **approval** for **New Certification** for 2003.

INSPECTOR:

Annese, Salvatore D.

Cobo, Jose

Craig, Curtis H.

De la Cruz, Rafael A.

Gioia, Paul

Good, William

Guasp, Jorge

Hernandez, Rafael

Hill, Wade E.

Lanza, Carlos

Naumann, Carlos A.

Ogden, Michael T.

Partovi, Mohammed R.

Perez, Jan Pierre

Santana, Herbert E.

Vargas, Angel L.

Xue, Weiyang S.

REPRESENTING:

Biscayne Park

Hialeah Gardens

South Miami

Miami Shores

Miami Beach

Golden Beach

North Bay Village

Coral Gables

Pinecrest

Pinecrest

Coral Gables

Pinecrest

City of Opa Locka

Florida City

Golden Beach

City of Hialeah

Miami-Dade County

Aventura

Miami Beach

DISCIPLINES:

Plans Examiner Building

Building Official

Plans Examiner Mechanical

Building Inspector (Structural)

Building Official

Roofing Inspector (Commercial)

Roofing Inspector (Residential)

Plans Examiner Building

Building Inspector (Structural)

Building Inspector (Structural)

Building Official

Roofing Inspector (Commercial)

Roofing Inspector (Residential)

Plans Examiner (Building)

Building Official

Chief Building Inspector

Mechanical Inspector

Plans Examiner Mechanical

Electrical Inspector

Plans Examiner Plumbing

Plumbing Inspector

Building Inspector (Structural)

Building Inspector (Structural)

Roofing Inspector (Commercial)

Roofing Inspector (Residential)

Plans Examiner Building

Building Official

Plans Examiner Building

Plans Examiner Building

Plans Examiner Structural

Mechanical Inspector

Plans Examiner Mechanical

Electrical Inspector

Plans Examiner Building

Building Inspector (Structural)

Mr. Salvador moved to **approve** the above-mentioned individuals for **New-Certification** for 2003. Mr. Johns seconded the motion.

Motion carried unanimously.

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

Mr. Salvador informed the Board that Mr. Jorge Guasp did not have his paperwork in proper order, so therefore he should be **denied** New Certification. Mr. Johns seconded the motion.

Motion carried unanimously.

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

Mr. Salvador further informed the Board Mr. Angel Rivas is being **denied** for New Certification as well. Mr. Kurzman seconded the motion.

Motion carried unanimously.

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

Interpretation:

Mr. Salvador informed the Board that there was a request for an interpretation for the certification of the Chief Building Inspector or Building Plans Examiner. He then turned the floor to Mr. Johns to discuss further with the members.

Mr. Johns asked how would the five year experience requirement apply for certification of the Chief Building Inspector or Building Plans Examiner, qualifying as a general contractor. He remarked that the subcommittee viewed this as a requirement to have the license for five years and practice on the license in order to get the five year requirement.

After some discussion, Mr. Salvador moved that the Chief Building Inspector/Building Plans Examiner must have the five (5) years experience under the license of General Contractor. Mr. Horton stated that as a matter of policy he agreed with the interpretation.

The Board agreed to proceed with the reviews under this clarification.

Information:

Mr. Salvador stated that there is an emergency issue within the City of North Miami where an application was received today for a replacement for Dale Lee, who had a heart attack. He explained to the Board that there is someone to fill in as Acting Chief Building Official, but he was missing two months under the five year requirement. Mr. Salvador suggested that on a one time basis to allow him to act in this capacity for the two months.

Mr. Michael Goolsby, Chief, Building Code Compliance Office clarified that actually Mr. Clay Parker has assumed responsibilities as Chief Building Official. He remarked that Steven Fastillo has an application for certification as Chief Building Inspector and this is where the issue of experience came about. He explained that Mr. Fastillo would have the five years experience under the license as of June 1, 2003. Mr. Goolsby further added that the code requires that the position of Chief Building Inspector must be filled within a Building Department.

Mr. Johns left the room.

Mr. Diaz asked do they qualify for certification.

After some discussion, Mr. Salvador moved to add Steven Fastillo, as Chief Building Inspector and Plans Examiner (Building) to the list. Mr. Diaz seconded the motion.

Motion carried unanimously.

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

EMERGENCY AGENDA

Report – Status Report on Sunset Harbour North Condominium

Chief Richard McConahie, representative for City of Miami Beach stated that they were waiting for the contractor to come in and get the permit and the City of Miami Beach would like to see the building repaired.

Mr. Kurzman asked were the properties deemed unsafe.

Mr. McConahie stated that they are ordered to be vacated and they are awaiting the contractor to obtain their permit.

Mr. John Harrington commented that there has been 16 extensions requested and they will be back in 60 days for another 60 day extension. He added that these balconies have been in this condition since 1997 and would like some relief for the tenants in an expeditious manner.

Mr. Diaz emphasized to Mr. Harrington that if the Board does not renew the TCO then everyone has to vacate the building.

Mr. Kurzman stated that his concern is the way it was constructed and the lack of steel makes this an unsafe situation. He suggested that this be referred to the Unsafe Structures Board.

Mr. Diaz disagreed and believes that the City of Miami Beach, who has indicated that the building is unsafe, can monitor this project.

Mr. Utterback asked the City of Miami Beach about their satisfaction to the progress of the project.

Mr. McConahie remarked that they would like to see the building repaired.

Mrs. Lucia Dougherty stated that the tenants have not let them obtain the permit and they have the money to finalize the repairs and they weren't being allowed in the building to finish the work.

Mr. Harrington stated that they want the building repaired and the permit was pulled, but they don't see progress and 30 days has passed again with no progress made.

Mr. Utterback asked about the meeting with the Owner's and the Building Official.

Mr. John Gregory, Attorney for the Developer, stated that they have been trying to fix the balconies for three (3) years, but the litigations have been ongoing, which has obstructed them from finishing the repairs. He further added that the design has also been permitted.

Mr. Harrington asked about the returning to the Board within thirty days if they do not come to an agreement.

Mr. Johns left at 1:45P.M.

Mr. Diaz then proposed that if within the sixty (60) days they do not come to an agreement, the Board will close the permit and order that this matter be sent to the Unsafe Structures Board. Mr. Kurzman seconded the motion.

Motion carried unanimously.

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

Discussion: Chairperson and Vice Chairperson Election

Mr. Riley nominated Mr. Horton for Chairperson and Mr. Utterback for Vice Chairperson. Mr. Diaz seconded the motion.

At this time, Mr. Horton remarked that to coincide with the implementation of the Florida Building Code, Mr. Utterback could remain as Chairperson until next year.

After some discussion, Mr. Riley then amended his motion to allow Mr. Utterback to continue to serve as Chairman to the Board of Rules and Appeals.

Motion carried unanimously.

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

Meeting adjourned at 2:15 P.M.

MINUTES OF THE BOARD OF RULES AND APPEALS MEETING ON 04-24-03

Attendance: Thomas Utterback, CH Richard Horton, VC John Kurzman Robert Barnes
Enrique Salvador Steven L. Johns Rolando Diaz Jesus M. Gomez
William Riley Arnold Velazquez Capt. William Strachan Chief Virgil Fernandez
Alfonso A. Fernandez-Fraga, P.E.

Excused: Edward Woodard Justin Manuel Gregory Pierce Carmen Garcia

Staff Present: Herminio F. Gonzalez, Secretary Mariela Martinez-Cid, Asst. County Attorney
Yvonne Bell, Recording Secretary

Court Reporter: Isabel Seralnick

Commenced at 1:25 p.m.

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

CONSENT AGENDA

.APPEAL #1: TCO EXTENSION, PERMIT No. B0200282, Fine
APPEAL #2: TCO EXTENSION, PERMIT No. 1993278779, Delgado
APPEAL #3: TCC EXTENSION, PERMIT No. 00110089, Dyer
APPEAL #4: TCC EXTENSION, PERMIT No. 00100285, Dyer
APPEAL #5: TCO EXTENSION, PERMIT No. 02060361, Callahan
TCO EXTENSION, PERMIT No. 02070095, Callahan
TCO EXTENSION, PERMIT No. 02080622, Callahan
TCO EXTENSION, PERMIT No. 02070115, Callahan
TCO EXTENSION, PERMIT No. 02080348, Callahan
TCO EXTENSION, PERMIT No. 02060178, Callahan
TCO EXTENSION, PERMIT No. 02080543, Callahan
TCO EXTENSION, PERMIT No. 02070624, Callahan
TCO EXTENSION, PERMIT No. 02080201, Callahan
TCO EXTENSION, PERMIT No. 02070634, Callahan
TCO EXTENSION, PERMIT No. 02050103, Callahan
TCO EXTENSION, PERMIT No. 02080398, Callahan
TCO EXTENSION, PERMIT No. 02100575, Callahan
TCO EXTENSION, PERMIT No. 02050364, Callahan
TCO EXTENSION, PERMIT No. 02070018, Callahan
TCO EXTENSION, PERMIT No. 02080224, Callahan
TCO EXTENSION, PERMIT No. 02060480, Callahan
TCO EXTENSION, PERMIT No. 02080359, Callahan
TCO EXTENSION, PERMIT No. 02080362, Callahan
TCO EXTENSION, PERMIT No. 02060500, Callahan
TCO EXTENSION, PERMIT No. 02070112, Callahan
TCO EXTENSION, PERMIT No. 02070468, Callahan
TCO EXTENSION, PERMIT No. 02070037, Callahan
TCO EXTENSION, PERMIT No. 02060542, Callahan
TCO EXTENSION, PERMIT No. 02080093, Callahan
TCO EXTENSION, PERMIT No. 02056236, Callahan
TCO EXTENSION, PERMIT No. 02070180, Callahan
TCO EXTENSION, PERMIT No. 02060536, Callahan
TCO EXTENSION, PERMIT No. 02080301, Callahan
TCO EXTENSION, PERMIT No. 02070325, Callahan
TCO EXTENSION, PERMIT No. 02070532, Callahan
TCO EXTENSION, PERMIT No. 02080119, Callahan
TCO EXTENSION, PERMIT No. 0250466, Callahan
TCO EXTENSION, PERMIT No. 02080096, Callahan
TCO EXTENSION, PERMIT No. 02070191, Callahan
TCO EXTENSION, PERMIT No. 02050202, Callahan
TCO EXTENSION, PERMIT No. 02050276, Callahan
TCO EXTENSION, PERMIT No. 02080118, Callahan
TCO EXTENSION, PERMIT No. 02070490, Callahan

Appeal No. 5 cont....

TCO EXTENSION, PERMIT No. 02080396, Callahan
TCO EXTENSION, PERMIT No. 02070492, Callahan
TCO EXTENSION, PERMIT No. 02090236, Callahan
TCO EXTENSION, PERMIT No. 02070603, Callahan
TCO EXTENSION, PERMIT No. 02080540, Callahan
TCO EXTENSION, PERMIT No. 02080539, Callahan
TCO EXTENSION, PERMIT No. 02070489, Callahan
TCO EXTENSION, PERMIT No. 02070602, Callahan
TCO EXTENSION, PERMIT No. 02060490, Callahan
TCO EXTENSION, PERMIT No. 02070608, Callahan
TCO EXTENSION, PERMIT No. 02070493, Callahan
TCO EXTENSION, PERMIT No. 02070491, Callahan
TCO EXTENSION, PERMIT No. 02070541, Callahan
TCO EXTENSION, PERMIT No. 02080354, Callahan
TCO EXTENSION, PERMIT No. 02080229, Callahan
TCO EXTENSION, PERMIT No. 02080139, Callahan
TCO EXTENSION, PERMIT No. 02070411, Callahan
TCO EXTENSION, PERMIT No. 02080225, Callahan
TCO EXTENSION, PERMIT No. 02050282, Callahan
TCO EXTENSION, PERMIT No. 0250334, Callahan
TCO EXTENSION, PERMIT No. 02070124, Callahan

Mr. Horton moved to accept the Consent Agenda Items. Mr. Johns seconded the motion.

Motion carried unanimously. (Mr. Gomez left the room for the voting process).

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

Minutes of March 20th, 2003

Mr. Utterback then requested a motion to approve the minutes for the **March 20th, 2003** meeting. Mr. Kurzman moved to approve the minutes of the last meeting. Mr. Horton seconded the motion.

Motion carried unanimously.

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

Mr. Utterback took the opportunity to recognize the Building Code Compliance Office for receiving the **Outstanding Achievement Award**. The members acknowledged this honor as a whole.

APPEAL #1: APPEAL OF BUILDING OFFICIAL'S DECISION: City of Miami, 1240 N.W. 4 Street, Window and Mechanical Ventilation

Mr. Eduardo Muhina stated that this is a 20-unit apartment complex building where there is parking on the first floor and the second floor is separated from the ground floor. Mr. Muhina added that the upper floors all have hallways that are open, but the Fire Marshall views this as a closed space and requested that the area be highlighted in yellow. He informed the Board that the building is fully sprinkled.

Mr. Joe Ferras, Building Official for the City of Miami stated that as of today he has not been presented with an alternate on how to rectify this problem. He remarked that the Fire Department would like for the windows to be fixed, not open. Mr. Ferras expressed that he would like to see ventilation in these apartments.

Mr. Kurzman asked does the A/C bring in outside air.

Mr. Ferras responded that he would like natural or mechanical ventilation and the Board needed to advise him on how to proceed.

Mr. Muhina read a letter into the records that was sent to the Building Officials written by Jose Martinez.

Mr. Virgil Fernandez stated that they have tried their best to help Mr. Muhina, but the problem is the vertical openings that take him to atriums. He commented that there must be another approach and the subject is mechanical ventilation the substitute.

Mr. Diaz remarked that this is an open atrium and smoke would just go up in the air.

Mr. Virgil Fernandez commented that they can not meet the fire code, since this falls under vertical openings. He stated that their best bet is to try and meet the atrium standards.

Mr. Muhina pointed out that they have a great relationship with the City of Miami and the Fire Department and he would not jeopardize the life safety issue.

After some discussion, Mr. Velazquez moved to grant the appeal and mechanical ventilation be used as an equal alternate. Mr. Kurzman seconded the motion.

Motion died, no vote was taken.

Mr. Ferras read a staff recommendation written by the Building Code Compliance Office, he informed the Board that he disagreed with this stance. Mr. Ferras further added that he was told he could accept mechanical ventilation, but he stated that there is another recommendation that needed to be addressed today.

Mr. Kevin Carrier with the Building Code Compliance Office presented a power point presentation to the Board.

Mr. A. Fernandez-Fraga commented that there is infiltration into the space and perhaps they should use non-fire rated operative windows.

Mr. V. Fernandez stated that there was a vertical opening and they could go with mini-atrium or a full atrium.

Mr. Carrier remarked that mechanical ventilation can be accepted as an equal alternate.

Mr. Ferras stated that he would accept mechanical ventilation.

Mr. Muhina clarified that the issue is one apartment and a living room area; not the entire building.

Mr. A. Fernandez-Fraga mentioned that the idea is to bring fresh air into the apartment.

After much discussion, Mr. V. Fernandez moved to grant the appeal on the basis that the mechanical ventilation was an equal alternative to the natural ventilation requirements set forth in the Florida Building Code. 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: City of Miami Beach, OBR Hotel, 4825 Collins Avenue, Non-Sway Structures

Mr. Carter McDowell gave a background description of the property to the members and commented that to his knowledge he thought that they had an agreement with the City of Miami Beach. He indicated that they have redesigned the building and obtained a building permit in February of 2003. He further added that he felt that this issue is an interpretation of the code and he has brought in expert witnesses to speak on the issue at hand.

Mr. Kurzman asked about the calculations being rejected by the City of Miami Beach and informed the members that he felt uncomfortable with having the Board renders a decision with all these professionals involved.

Mr. Utterback commented that the Board is charged with making and hearing these types of cases.

Mr. McDowell then introduced expert witness Dr. S.K. Ghosh.

Dr. S.K. Ghosh stated that the issue is how the code is to be interpreted.

Mr. Diaz asked Mr. Ghosh had he viewed the design of the building.

Dr. Ghosh answered "yes".

Mr. McDowell remarked that he wanted the Board to determine and give them the interpretation.

Mr. Phil Azan, Building Official for the City of Miami stated that this is an after the fact appeal which the Engineer is Hershel Gil. He gave a history on the property and informed the members Mr. Kahn and Mr. Gil determined that the walls would crack up to the 12th level. Mr. Azan then proceeded to read a Section of the code into the records and stated that there were three independent ways to determine bracing.

Mr. McDowell replied that the question is does the commentary apply or not and to him it should.

Mr. Velazquez stated that they rely everyday on the handbooks that were written and there are always disclaimers.

Dr. Ghosh stated that strength is not an issue and Chapter 8 talks about analysis (frame) the assumption of the walls being cracked is the issue.

Mr. Salvador referred the Board to the written by the Building Code Compliance Office indicating that the plans were never submitted.

Mr. Theodore Berman, Deputy Director, Building Code Compliance Office commented that the decision is whether the commentary applied at the time of the design.

Mr. Utterback then read into the records a letter written by Mr. Berman.

Mr. McDowell also submitted a letter written by Mr. Jaime Eisen, Code Compliance Specialist (Structural).

Mr. Kahn presented poster of the building to the members and informed them that he examined the building during the permit submittal. He stated that the load was not calculated on this model and showed the members that the blue on the model indicates the cracked areas and that the sheer walls are cracking up to the 12th level.

Mr. McDowell stated that what needed to be determined was what test needed to be applied and which code applies.

Mr. Hershel Gil stated that they provided the model of which was altered by Mr. Kahn.

Mr. Kahn replied that they did not change anything in the calculations.

Mr. Azan clarified that he instructed Mr. Kahn to use the calculations as submitted by Mr. Gil.

Mr. Kahn then presented calculations to the members.

Mr. Riley asked Mr. Kahn about referring to the commentary.

Mr. Kahn answered that he does rely on them in certain instances and added that this structure is un-braced and the columns were not designed according to the code and the height of the building does not matter. He further added that the code tells you how to design the columns.

Mr. Diaz asked about the ratios submitted by Mr. Kahn.

Mr. Kahn stated that the previous code guidelines were still not followed.

Mr. Gil commented that they disagreed with Mr. Kahn's calculations.

Mr. Mohammed Partovi, City of Miami Beach, stated that there were other issues as well and recommended sending this issue to subcommittee.

Mr. Utterback then asked throughout the audience if they were aware of this case being presented. No one answered.

Mr. Horton stated that the issue was on applying the commentary.

After much discussion, Mr. Kurzman moved to send this item to subcommittee. Mr. Salvador seconded the motion.

Motion failed. (Mr. Utterback, Mr. Kurzman and Mr. Salvador were for the motion).

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

Dr. Ghosh stated that the chart submitted is not correct and the limit is not in the code, since 24 load cases does not make any sense.

Mr. Diaz asked about the commentary of 95; which was eliminated.

Dr. Ghosh commented that they used different formulas.

Mr. Kahn then showed the board the formulas for coming up to this decision and he used three dimensional calculations.

Mr. Diaz commented that the formula used is wrong, due to the fact that there are a lot of factors involved.

Mr. Utterback then asked throughout the audience for their opinion on the tests rendered.

Mrs. Rhonda Montoya, Attorney for the City of Miami Beach requested, that they identify their qualifications for impeachment purposes.

Several audience members took to the podium and expressed that they disagreed with Mr. Kahn and they supported the calculations of Mr. Gil.

After much discussion, Mr. Velazquez moved to grant the appeal and reverse the decision of the Building Official that this structure is not a braced or non-sway structure. Mr. Johns seconded the motion.

Motion carried unanimously.

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

TCO/TCC APPEALS

TCO APPEAL #1: APPEAL OF BUILDING OFFICIAL'S DECISION: City of Coral Gables, Nordstrom, 4310 Ponce De Leon Blvd., Permit #04080196

Mr. Johns moved to grant a 90-day extension for the above-mentioned permit number. Mr. Diaz seconded the motion.

Motion carried unanimously.

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

TCO APPEAL #2: APPEAL OF BUILDING OFFICIAL'S DECISION: City of Miami, Courts Brickell Key, 801 Brickell Key, Permit #01-5012136

Mr. Johns moved to grant a 90-day extension for the above-mentioned permit number. Mr. V. Fernandez seconded the motion.

Motion carried unanimously.

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

TCO APPEAL #3: APPEAL OF BUILDING OFFICIAL'S DECISION: City of Miami Beach, Royal Palm Crowne Plaza, 1535 & 1545 Collins Avenue, Permit #B9703348

Mr. Johns moved to grant a 90-day extension for the above-mentioned permit number. Mr. Diaz seconded the motion.

Motion carried unanimously.

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

TCO APPEAL #4: APPEAL OF BUILDING OFFICIAL'S DECISION: City of Coral Gables, Vespa, 360 San Lorenzo Avenue, #1440, Permit #02080523

Mrs. Jill Callahan informed the members that they have resolved the glass issue at Vespa.

Mr. Manny Lopez, Building Official for the City of Coral Gables had no objections to an extension.

Mr. Barnes moved to grant a 60-day extension for the above-mentioned permit number. Mr. Salvador seconded the motion.

Motion carried unanimously.

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

NON-AGENDA ITEM:

TCO APPEAL #5: APPEAL OF BUILDING OFFICIAL'S DECISION: City of Coral Gables, Schedoni, 320 San Lorenzo Avenue, #1220, Permit #02070148

Mrs. Jill Callahan further added that they had another extension for **Schedoni – 320 San Lorenzo Avenue #1220, Permit #02070148**; she informed the board that this item did not make the agenda for today.

Mr. Salvador then moved to grant a 60-day extension. Mr. Diaz seconded the motion.

Motion carried unanimously.

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

REPORT #1

Certification of Inspectors/Plans Examiners for April

Certification Subcommittee Recommendations – Certification of Building Officials, Inspectors, and Plans Examiners

The following individuals are being recommended for **approval** for **New-Certification** for 2003.

<u>INSPECTOR:</u>	<u>REPRESENTING:</u>	<u>DISCIPLINES:</u>
Annese, Salvatore D.	Golden Beach North Bay Village	Building Official Building Inspector (Structural) Chief Building Inspector Roofing Inspector (Commercial) Roofing Inspector (Residential)
Curi, Martin Didona, David J. Gioia, Paul	City of Miami Miami-Dade County North Bay Village	Plans Examiner (Building) Mechanical Inspector Roofing Inspector (Commercial) Roofing Inspector (Residential) Plans Examiner (Building)
Gutkin, Leonard	North Bay Village	Chief Electrical Inspector Plans Examiner (Electrical)
Jackson, John H.	City of North Miami	Building Official Plans Examiner (Building)
Jurado, Manuel R.	City of Hialeah	Mechanical Inspector Plans Examiner (Mechanical)
Lanza, Carlos Lindgren Jr., John C.	Town of Miami Lakes North Bay Village	Building Official Chief Plumbing Inspector Plans Examiner (Plumbing)
Madsen, Paul R.	City of Hialeah	Electrical Inspector Plans Examiner (Electrical)
Palacio, Eliezer Partovi, Mohammed R. Reyes Jr., Albert Rodriguez, Jesus	Town of Miami Lakes North Bay Village Coral Gables Homestead	Plans Examiner (Building) Plans Examiner (Structural) Electrical Inspector Building Inspector (Structural) Roofing Inspector (Commercial) Roofing Inspector (Residential)
Santiago, Eugenio M. Stein, Edward H.	Pinecrest North Bay Village	Plans Examiner (Structural) Chief Mechanical Inspector Plans Examiner (Mechanical)
Torres, Luis	City of Miami	Building Inspector (Structural)

Mr. Salvador moved to **approve** the above-mentioned individuals for **New-Certification** for 2003. Mr. Riley seconded the motion.

Motion carried unanimously.

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

Mr. Johns then informed the Board that the following individual was being recommended for **rejection** for **New Certification** for 2003.

<u>INSPECTOR:</u>	<u>REPRESENTING:</u>	<u>DISCIPLINES:</u>
Reyes Jr., Albert	Coral Gables	Plans Examiner (Electrical)

Mr. Salvador moved to deny Mr. Reyes **New Certification** for 2003. Mr. Diaz seconded the motion.

Motion carried unanimously.

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

DISCUSSION: Florida Building Code 2001 Table 704.2.4, Note 4 and 704.3

This area of discussion was **deferred** to the May 22, 2003 Board of Rules and Appeals meeting.

EMERGENCY AGENDA

Mr. Diaz moved to hear the Emergency Agenda. Mr. A. Fernandez-Fraga 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 Beach, Euclid East, 1545 Euclid,

The appellant was not present at the hearing. Appeal was **deferred** to the May 22, 2003 meeting.

TCO/TCC APPEALS

TCO APPEAL #1: APPEAL OF BUILDING OFFICIAL'S DECISION: City of Miami, 4500 Biscayne Blvd., Permit #02-5008995

The appellant was not present at the hearing.

Mr. Joe Ferras, Building Official for the City of Miami informed the Board that he was recommending the extension for the permit, even though it is expired.

After some discussion, Mr. Salvador moved to grant a 90-day extension from today. Mr. Barnes seconded the motion.

Motion carried unanimously.

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

TCO APPEAL #2: APPEAL OF BUILDING OFFICIAL'S DECISION: City of Coral Gables, 911 Catalonia Avenue, Permit #00050705

The appellant was not present at the hearing.

Mr. Salvador moved to grant a 90-day extension for the above-mentioned permit number. Mr. Diaz seconded the motion.

Motion carried unanimously.

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

TCO APPEAL #3: APPEAL OF BUILDING OFFICIAL'S DECISION: City of Miami Beach, 4625 Pinetree Drive, Permit #B0002254

Mr. Salvador moved to grant a 60-day extension for the above-mentioned permit number. Mr. Johns seconded the motion.

Motion carried unanimously.

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

TCO APPEAL #4: APPEAL OF BUILDING OFFICIAL'S DECISION: City of Miami, JMH North Parking Garage Project, 1120 N.W. 20 Street, Permit #00-5020020

Mr. Diaz moved to grant a 90-day extension for the above-mentioned permit number. Mr. Salvador seconded the motion.

Motion carried unanimously.

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

TCO APPEAL #5: APPEAL OF BUILDING OFFICIAL'S DECISION: City of Miami, JMH North Parking Garage Project, 1120 N.W. 20 Street, Permit #00-5020563

Mr. Diaz moved to grant a 90-day extension for the above-mentioned permit number. Mr. Salvador seconded the motion.

Motion carried unanimously.

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

TCO APPEAL #6: APPEAL OF BUILDING OFFICIAL'S DECISION: City of Miami Beach, The Barton G, 1427 West Avenue, Permit #B0202192

Mr. Salvador moved to grant a 60-day extension for the above-mentioned permit number. Mr. Diaz seconded the motion.

Motion carried unanimously.

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

Meeting adjourned at 5:30 P.M.

MINUTES OF THE BOARD OF RULES AND APPEALS MEETING ON 05-22-03

Attendance: Thomas Utterback, CH Enrique Salvador Steven L. Johns Jesus M. Gomez
William Riley Edward Woodard Justin Manuel Gregory Pierce
Carmen Garcia Chief Virgil Fernandez Alfonso A. Fernandez-Fraga, P.E.

Excused: Richard Horton, VC John Kurzman Robert Barnes Rolando Diaz
Capt. William Strachan Arnold Velazquez

Staff Present: Herminio F. Gonzalez, Secretary Mariela Martinez-Cid, Asst. County Attorney
Yvonne Bell, Recording Secretary

Court Reporter: Isabel Seralnick

Commenced at 1:25 p.m.

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

CONSENT AGENDA

APPEAL #1: TCO EXTENSION, PERMIT No. 01050284, Mayol

APPEAL #2: TCC EXTENSION, PERMIT No. B0002925, Ferretti

APPEAL #3: TCC EXTENSION, PERMIT No. B0300873, Fine

EMERGENCY CONSENT AGENDA

APPEAL #1: TCO EXTENSION, PERMIT No. 00-5019700, Chakas

APPEAL #2: TCC EXTENSION, PERMIT No. BCC0200349, Fine

Mr. Johns moved to accept the Consent Agenda and the Emergency Agenda Items. Mr. Pierce seconded the motion.

Motion carried unanimously. (Mr. Woodard abstained).

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

Minutes of April 16th, 2003

Mr. Utterback then requested a motion to approve the minutes for the **April 16th, 2003** meeting. Mr. Salvador moved to approve the minutes of the last meeting. Mr. Pierce seconded the motion.

Motion carried unanimously. (Mr. Woodard abstained).

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

Mr. Utterback took the opportunity to recognize the Building Code Compliance Office for receiving the **Outstanding Achievement Award**. The members acknowledged this honor as a whole.

APPEAL #1: APPEAL OF BUILDING OFFICIAL'S DECISION: City of Miami Beach, 1545 Euclid Avenue, Lateral Load Resistance for Guard Rails

Mr. Alan Davis informed the Board that they needed an override from the Fire Marshall to accept the railings at the 40 inches height requirements.

Mr. Herminio Gonzalez, Secretary, Board of Rules and Appeals, stated that the appeal has now been altered from the original request regarding load resistance. He indicated that staff has not had a chance to review the new appeal request since it introduces new elements Mr. Gonzalez asked the Board for a deferral of the appeal today, so that staff from the Building Code Compliance Office could render an opinion.

Mr. Davis added that to defer this issue would cost the owner additional expenses.

Mrs. Garcia asked was this an historical renovation.

Mr. Philip Azan, Building Official, City of Miami Beach, answered "yes" this structure is within the historic district and he as well, had just been made aware of this supplementary part of the appeal today. He further remarked that the structural issue has already been resolved.

Mr. Gonzalez then stressed that neither staff nor the Building Official had a chance to review this area of the new appeal request and again urged for a deferral.

After some discussion, Mr. Johns moved to **defer** this appeal to the next Board of Rules and Appeals meeting. Mr. Pierce seconded the motion.

Motion carried unanimously. (Mr. Woodard abstained).

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

APPEAL #2: APPEAL OF BUILDING OFFICIAL'S DECISION: Town of Miami Lakes, 6853 Main Street, Permit Application

Mr. Jeffrey Hophan informed the members that they applied for the permit the same day that the crane was delivered and it was at this time that a citation was issued for work without a permit. He stated that they are appealing the double permit fee.

Mr. Carlos Lanza, Town of Miami Lakes Building Official, stated that he did not recall receiving a phone call from the appellant.

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

Motion failed through a hand vote.

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

Mr. Gomez then asked when the permit was issued.

Mr. Lanza answered on the 25th of March.

Mr. Pete Quintela, Building Code Compliance Mechanical Specialist, remarked that this was not an installation; but a delivery of equipment. He stated that the individual was disconnecting equipment only and the permit was approved, although they failed to pay for it.

Mr. Fernandez-Fraga asked what was being done.

Mr. Hophan answered that it was a simple change out.

Mr. Lanza stated that they do not have a record that it was submitted on the 18th, they have that it came in on the 23rd and processed on the 25th.

After much discussion, Mr. Fernandez moved to grant the appeal. Mr. Gomez seconded the motion.

Motion carried unanimously. (Mr. Woodard abstained).

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

APPEAL #3: APPEAL OF BUILDING OFFICIAL'S DECISION: City of Miami Beach, 314 West San Marino, Attic Ventilation

Mr. Thomas Liney, representative for Mr. Ed Reeves stated that the non-vented attic process is highly used in Florida and it should be allowed. Mr. Liney then proceeded to read a letter into the records indicating the stance of the American Plywood Association, who he says recommends the application.

Mr. Azan stated that venting the attic is a good practice and he is concerned with mildew. He added that there is no support for non-venting in the hot climate. Mr. Azan proceeded to read three sections addressing ventilation requirements.

Mr. Michael Goolsby, Chief, Building Code Compliance Division, presented a power point presentation to the Board and advised them that this type of installation is also called conventional attic. He informed the members that this is a protection of wood issue and the coiling joists and roof rafters is where the ventilation needs to take place, since this is not a cure to addressing moisture. Mr. Goolsby further added that there has not been enough research to go along with this process and the Asphalt Roofing Association is not in favor of this, as well as Florida, Power and Light.

Mrs. Carolyn Gallagher addressed the Board and informed them that her daughter suffers from asthma and this is why she wants to build a house in the same manner. She presented studies to the members showing that there is a minimal difference in utilizing this system and she added that there are buildings throughout Florida that have been built to these standards.

Mr. Utterback commented that if this application is not made, there will be mildew.

Mr. Fernandez-Fraga stated that this is a code compliant system and it would be a terrible idea to ventilate this area.

Mr. Utterback remarked that the code states that there must be ventilation and covering of the plastic foam.

Mr. Pierce commented that the roof would leak and worsen quicker with this system.

Mr. Rusty Carroll with the Broward Board of Rules and Appeals stated that the attachment to the material is a big issue, as well as chemical reaction.

After much discussion, Mr. Riley moved to deny the appeal. Mr. Pierce seconded the motion.

Discussion:

Mr. Utterback commented that they are denying the ventilation requirements and applying the foam.

Mr. Azan stated that denying the appeal suggests that compliance be made to the code.

Motion carried unanimously. (Mr. Woodard abstained).

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

TCO/TCC APPEALS

TCO APPEAL #1: APPEAL OF BUILDING OFFICIAL'S DECISION: City of Miami Beach, Blue and Green Diamond Condominiums, Permit #BCO02135

Mr. Johns moved to grant a 90-day extension for the above-mentioned permit number. Mr. V. Fernandez seconded the motion.

Motion carried unanimously. (Mr. Woodard abstained).

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

TCC APPEAL #2: APPEAL OF BUILDING OFFICIAL'S DECISION: City of Miami Beach, Grand Flamingo South Tower, 1500 Bay Road, 2nd to 15th Floor & Lanai Units, Permit #B9801740

Mr. Johns moved to grant a 60-day extension for the above-mentioned permit number. Mr. V. Fernandez seconded the motion.

Motion carried unanimously. (Mr. Woodard abstained).

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

TCC APPEAL #3: APPEAL OF BUILDING OFFICIAL'S DECISION: City of Miami Beach, Grand Flamingo South Tower, 1500 Bay Road, Pool, Lower Pool, Deck and Garage, Permit #B0001107

Mr. Johns moved to grant a 60-day extension for the above-mentioned permit number. Mr. Riley seconded the motion.

Motion carried unanimously. (Mr. Woodard abstained).

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

TCC APPEAL #4: APPEAL OF BUILDING OFFICIAL'S DECISION: City of Miami Beach, Grand Flamingo North Towner, 1500 Bay Road, Ground to 15th Floor, Permit #B9904240

Mr. Johns moved to grant a 60-day extension for the above-mentioned permit number. Mr. V. Fernandez seconded the motion.

Motion carried unanimously. (Mr. Woodard abstained).

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

Mr. Gomez excused himself from the room in reference to **TCO Appeal No. 5.**

TCO APPEAL #5: APPEAL OF BUILDING OFFICIAL'S DECISION: City of Miami, JMH North Parking Garage, 1010 N.W. 20 Street, Permit #00-5020023

Mr. Salvador moved to grant a 90-day extension for the above-mentioned permit number. Mr. V. Fernandez seconded the motion.

Motion carried unanimously. (Mr. Woodard abstained).

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

TCO APPEAL #6: APPEAL OF BUILDING OFFICIAL'S DECISION: City of Miami, JMH Public Health Trust, 1611 N.W. 12 Street, Permit #01-5007306

Mr. Johns moved to grant a 90-day extension for the above-mentioned permit number. Mr. Salvador seconded the motion.

Motion carried unanimously. (Mr. Woodard abstained).

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

TCO APPEAL #7: APPEAL OF BUILDING OFFICIAL'S DECISION: City of Miami Beach, Sunset Harbour North Tower, 1900 Sunset Harbour Drive, Permit #B2200095

Mr. Johns moved to grant a 90-day extension for the above-mentioned permit number. Mr. Pierce seconded the motion.
Motion carried unanimously. (Mr. Woodard abstained).

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

At this time, Mr. Fine advised the Board that the disputes have been resolved and work should commence in two weeks.

REPORT #1

Certification of Inspectors/Plans Examiners for May

Certification Subcommittee Recommendations – Certification of Building Officials, Inspectors, and Plans Examiners

The following individuals are being recommended for **approval** for **New-Certification** for 2003.

<u>INSPECTOR:</u>	<u>REPRESENTING:</u>	<u>DISCIPLINES:</u>
Auchet, Pedro E	City of Miami	Building Inspector (Structural)
Baez, Jesus J.	Village of Pinecrest	Building Inspector (Structural)
Causley, Michael T.	Village of Pinecrest	Mechanical Inspector
Cline, Jr., Wiley R.	City of Homestead	Plumbing Inspector
DuQuesne, Pedro J.	City of Miami Beach	Building Inspector (Structural)
Good, William A.	Village of Pinecrest	Mechanical Inspector
Gutierrez, Juan	City of Hialeah	Building Inspector (Structural)
		Plans Examiner Building
Hernandez, Rafael	City of Miami	Plumbing Inspector
Martin, John F.	City of Homestead	Electrical Inspector
Romero, Marcos W.	City of Miami	Roofing Inspector (Commercial)
Santiago, Eugenio M.	Town of Golden Beach	Building Official
Silva, Edward	Village of Pinecrest	Building Inspector (Structural)
		Roofing Inspector (Residential)
Whitaker, James M.	Village of Pinecrest	Chief Electrical Inspector
		Plans Examiner Electrical

Mr. Salvador moved to **approve** the above-mentioned individuals for **New-Certification** for 2003. Mr. Pierce seconded the motion.

Motion carried unanimously. (Mr. Woodard abstained).

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

Mr. Salvador then informed the Board that the following individual was being recommended for **rejection** for **New Certification** for 2003.

<u>INSPECTOR:</u>	<u>REPRESENTING:</u>	<u>DISCIPLINES:</u>
Harris, Henry R.	City of Homestead	Building Inspector (Structural)
		Roofing Inspector (Residential)

Mr. Salvador moved to deny Mr. Harris **New Certification** for 2003 for lack of proper license. Mr. Pierce seconded the motion.

Motion carried unanimously. (Mr. Woodard abstained).

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

At this time, Mr. Salvador advised the Board that the Certification Subcommittee would be addressing the **Structural Plans Reviewer** item at next month's meeting.

REPORT #2

Building Official for Hialeah Gardens Referral Compliant Cases – CC-03-11 & CC-03-12

Mr. Goosby informed the Board that a resolution has been made for this issue and there was no need to address this matter at this time.

DISCUSSION:

Florida Building Code 2001 – Table 704.2.4, Note 4 and 704.3

Mr. Fernandez-Fraga informed the Board that perhaps this issue would be better addressed a subcommittee meeting.

Mr. Utterback mentioned that the Electrical, Mechanical and Plumbing subcommittee is where this issue would be addressed.

Mr. V. Fernandez remarked that he would like to attend this meeting.

EMERGENCY AGENDA

Mr. V. Fernandez moved to hear the Emergency Agenda. Mr. Salvador seconded the motion.

Motion carried unanimously. (Mr. Woodard abstained).

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

TCO/TCC APPEALS

TCO APPEAL #1: APPEAL OF BUILDING OFFICIAL'S DECISION: Unincorporated Miami Dade County, 10455 N.W. 12 Street, Permit #2001-059815

Mr. Gomez moved to grant a 90-day extension for the above-mentioned permit number. Mr. Salvador seconded the motion.

Motion carried unanimously. (Mr. Woodard abstained).

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

TCO APPEAL #2: APPEAL OF BUILDING OFFICIAL'S DECISION: City of Miami Beach, The Shore Club, LLC, 1901 Collins Avenue, Permit #B0202267

Mr. Gomez moved to grant a 90-day extension for the above-mentioned permit number. Mr. V. Fernandez seconded the motion.

Motion carried unanimously. (Mr. Woodard abstained).

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

Meeting adjourned at 2:52 P.M.

MINUTES OF THE BOARD OF RULES AND APPEALS MEETING ON 06-19-03

Attendance: Thomas Utterback, CH Richard Horton, VC Enrique Salvador William Riley
Chief Virgil Fernandez Robert Barnes John Kurzman Arnold Velazquez
Gregory Pierce Capt. William Strachan Alfonso A. Fernandez-Fraga, P.E.

Excused: Rolando Diaz Steven L. Johns Jesus M. Gomez
Edward Woodard Justin Manuel Carmen Garcia

Staff Present: Theodore Berman, Secretary Mariela Martinez-Cid, Asst. County Attorney
Yvonne Bell, Recording Secretary

Court Reporter: Isabel Seralnick

Commenced at 1:20 p.m.

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

CONSENT AGENDA

APPEAL #1: TCO EXTENSION, PERMIT No. 01060053, Danielson & Gearhard

APPEAL #2: TCO EXTENSION, PERMIT No. B0100200, Puig

APPEAL #3: TCO EXTENSION, PERMIT No. 99090011, Lopez-Castro

APPEAL #4: TCO EXTENSION, PERMIT No. 2002059026, Backer

APPEAL #5: TCO EXTENSION, PERMIT No. 1995-049753, Mainster

APPEAL #6: TCO EXTENSION, PERMIT No. 320 San Lorenzo Avenue #1215 – Permit # 02100579, Nueman

320 San Lorenzo Avenue #1235 – Permit # 02110346

320 San Lorenzo Avenue #1250 – Permit # 02080622

320 San Lorenzo Avenue #1255 – Permit # 02080542

330 San Lorenzo Avenue #2300 – Permit # 02080678

330 San Lorenzo Avenue #2302 – Permit # 02080348

330 San Lorenzo Avenue #2305 – Permit # 02060178

330 San Lorenzo Avenue #2310 – Permit # 02080543

330 San Lorenzo Avenue #2320 – Permit # 02070624

330 San Lorenzo Avenue #2325 – Permit # 02080201

330 San Lorenzo Avenue #2327 – Permit # 02070634

342 San Lorenzo Avenue #1000 – Permit # 02080400

342 San Lorenzo Avenue #1005 – Permit # 02050103

342 San Lorenzo Avenue #1015 – Permit # 02080225

342 San Lorenzo Avenue #1020 – Permit # 02080233

342 San Lorenzo Avenue #1030 – Permit # 02080398

342 San Lorenzo Avenue #1035 – Permit # 02100575

342 San Lorenzo Avenue #1045 – Permit # 02050364

342 San Lorenzo Avenue #1050 – Permit # 02070018

342 San Lorenzo Avenue #1055 – Permit # 02080224

342 San Lorenzo Avenue #1060 – Permit # 02060480

342 San Lorenzo Avenue #1075 – Permit # 02080359

342 San Lorenzo Avenue #1080 – Permit # 02080362

342 San Lorenzo Avenue #1085 – Permit # 02060500

342 San Lorenzo Avenue #1095 – Permit # 02070112

342 San Lorenzo Avenue #1100 – Permit # 02100541

342 San Lorenzo Avenue #1105 – Permit # 02070468

342 San Lorenzo Avenue #1110 – Permit # 02090310

350 San Lorenzo Avenue #2005 – Permit # 02070037

350 San Lorenzo Avenue #2010 – Permit # 02060542

350 San Lorenzo Avenue #2020 – Permit # 02080093

350 San Lorenzo Avenue #2025 – Permit # 02056236

350 San Lorenzo Avenue #2030 – Permit # 02070180

350 San Lorenzo Avenue #2035 – Permit # 02080077

350 San Lorenzo Avenue #2100 – Permit # 02060536

350 San Lorenzo Avenue #2105 – Permit # 02080301

350 San Lorenzo Avenue #2110 – Permit # 02070325

350 San Lorenzo Avenue #2115 – Permit # 02100529

APPEAL #6: TCO EXTENSION Cont...

350 San Lorenzo Avenue #2125 – Permit # 02070532
350 San Lorenzo Avenue #2130 - Permit # 02088119
350 San Lorenzo Avenue #2135 – Permit # 02050466
350 San Lorenzo Avenue #2200 – Permit # 02080096
350 San Lorenzo Avenue #2205 – Permit # 02070191
350 San Lorenzo Avenue #2210 – Permit # 02050202
350 San Lorenzo Avenue #2220 - Permit # 02050276
350 San Lorenzo Avenue #3000 – Permit # 02060444
358 San Lorenzo Avenue #3020 – Permit # 02080118
358 San Lorenzo Avenue #3025 – Permit # 02070490
358 San Lorenzo Avenue #3030 – Permit # 02080396
358 San Lorenzo Avenue #3110 – Permit # 02070492
358 San Lorenzo Avenue #3120 – Permit # 02090236
358 San Lorenzo Avenue #3125 – Permit # 02070603
358 San Lorenzo Avenue #3135 – Permit # 02080540
358 San Lorenzo Avenue #3140 - Permit # 02080539
358 San Lorenzo Avenue #3200 – Permit # 02070489
358 San Lorenzo Avenue #3205 – Permit # 02070602
358 San Lorenzo Avenue #3210 – Permit # 02060490
358 San Lorenzo Avenue #3215 – Permit # 02070608
358 San Lorenzo Avenue #3225 – Permit # 02070493
358 San Lorenzo Avenue #3230 – Permit # 02070491
360 San Lorenzo Avenue #1500 – Permit # 02080132
360 San Lorenzo Avenue #1505 - Permit # 02080537
360 San Lorenzo Avenue #1510 – Permit # 02080354
360 San Lorenzo Avenue #1525 - Permit # 02070541
360 San Lorenzo Avenue #1530 – Permit # 02110105
370 San Lorenzo Avenue #2400 – Permit # 02080229
370 San Lorenzo Avenue #2415 – Permit # 02080461
370 San Lorenzo Avenue #2422 – Permit # 02080139
370 San Lorenzo Avenue #2425 – Permit # 02070411
370 San Lorenzo Avenue #2430 – Permit # 02080225
370 San Lorenzo Avenue #2435 – Permit # 02080122
370 San Lorenzo Avenue #2440 – Permit # 02090065
370 San Lorenzo Avenue #2445 – Permit # 02080685
370 San Lorenzo Avenue #2450 – Permit # 02080598
370 San Lorenzo Avenue #2460 – Permit # 02080600
4425 Ponce De Leon Blvd - Permit # 02110241
4425 Ponce De Leon Blvd #118 - Permit # 02050516
4425 Ponce De Leon Blvd #200 – Permit # 02050282
4425 Ponce De Leon Blvd #1605 – Permit # 02050334
4425 Ponce De Leon Blvd #240 - Permit # 02100069
4440 Ponce De Leon Blvd #1600 – Permit # 02070124
4401 Ponce De Leon Blvd #1605 – Permit # 02050334
4465 Le Jeune Road #1700 - Permit # 02067057

EMERGENCY CONSENT AGENDA

APPEAL #1: TCO EXTENSION, PERMIT No. 00100285, Cytrynowicz

APPEAL #2: TCC EXTENSION, PERMIT No. 00110089, Cytrynowicz

Mr. Horton moved to accept the Consent Agenda and the Emergency Agenda Items. Mr. Kurzman seconded the motion.

Motion carried unanimously.

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

Minutes of May 15th, 2003

Mr. Utterback then requested a motion to approve the minutes for the **May 17th, 2003** meeting. Mr. Kurzman moved to approve the minutes of the last meeting. Mr. Salvador 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 Lakes, 8753 S.W. 162 Trail, Pool Barrier

Mr. Paul Roth explained that Mr. Lanza has requested that they install one pole at each section of the barrier.

Mr. Theodore Berman, Deputy Director of the Building Code Compliance Office, stated that the Florida Building Commission did agree with Mr. Roth.

Mr. Jorge Gamoneda, Plumbing, Building Code Compliance Office, stated that this barrier is made up of seven sections with only five poles. He added that Mr. Lanza, Town of Miami Lakes, is asking for one pole in each section to be secured, he then directed the Board to the code.

Mr. Berman then clarified that the Commission was not specific in this area, since they are not the Building Commission.

Mr. Kurzman stated that it is impossible to lift one of these poles and a four or five year old could not reach or remove this hook.

Mr. Gamoneda commented that the City of Palm Beach has an amendment to secure every pole with tools and the intent is to protect the elderly and children six years old and under.

Mr. Roth cited wording from the commission meeting and explained that this product was not designed to be bolted in, however he did agree to affix one end that could not be taken out without a tool. He further added that this product is designed to be able to get to the child in a timely manner.

Mr. Salvador stated that if you have alarms you do not need this directive.

Mr. Roth remarked that the barrier is at least 4 1/2 feet and could only be taken out by force. He stated that under the new law there are four approved safety measures for new pools.

Mr. Utterback commented that it seems as though the intent was to apply one continuous section with one of the poles being connected.

Mr. Roth then read a section from the Building Commission and presented the Board with a photograph of a child standing near the fence. He stated that they have not had a child open one of these fences since they have been in business.

Mr. Kurzman asked how far the holes were being drilled.

Mr. Roth replied that the holes are being drilled four to four and a half inches deep.

Mr. Utterback asked what the objection for to adding the additional poles.

Mr. Roth responded that the pole would be exposed.

Mr. Salvador asked could you gain access from the middle of the system.

Mr. Roth commented "no".

Mr. Fernandez-Fraga asked would this cut down on the number of access points.

Mr. Roth answered "yes".

After much discussion, Mr. Horton moved to grant the appeal and allow one end of the barrier to be bolted, not in each section. Mr. Velazquez seconded the motion.

Discussion on the motion:

Mr. V. Fernandez informed the Board that he spoke against the motion, because one pole stays affixed but the others move around.

Mr. Velazquez remarked that he felt comfortable with the system and to bolt every section makes it difficult.

Mr. Utterback commented that the Board did not have to make an interpretation now and suggested sending this area of concern to subcommittee.

Mr. Barnes stated that this was a proactive system.

Mr. Pierce also added that one bolt would be sufficient.

Motion carried. (Mr. V. Fernandez was opposed).

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

TCO/TCC APPEALS

TCO APPEAL #1: APPEAL OF BUILDING OFFICIAL'S DECISION: City of Miami, Mater Academy Charter School, 450 S.W. 4 Street, Permit #015006023

Mrs. Maria Rivas was present on behalf of the Mater Academy Charter School.

Mr. Virgil Fernandez moved to grant a 90-day extension for the above-mentioned permit number. Mr. Velazquez seconded the motion.

Motion carried unanimously.

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

TCC APPEAL #2: APPEAL OF BUILDING OFFICIAL'S DECISION: City of Coral Gables, 340 San Lorenzo Avenue, Crescent Building, Permit #01020324

Mr. Velazquez moved to grant a 60-day extension for the above-mentioned permit number. Mr. Salvador seconded the motion.

Motion carried unanimously.

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

TCC APPEAL #3: APPEAL OF BUILDING OFFICIAL'S DECISION: City of Coral Gables, 340 San Lorenzo Avenue, West Garden Shop, Permit #01031359

Mr. Pierce moved to grant a 60-day extension for the above-mentioned permit number. Mr. Kurzman seconded the motion.

Motion carried unanimously.

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

TCC APPEAL #4: APPEAL OF BUILDING OFFICIAL'S DECISION: City of Coral Gables, 340 San Lorenzo Avenue, Permit #01031360

Mr. Pierce moved to grant a 60-day extension for the above-mentioned permit number. Mr. Kurzman seconded the motion.

Motion carried unanimously.

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

TCO APPEAL #5: APPEAL OF BUILDING OFFICIAL'S DECISION: City of Coral Gables, 1245 Walsh Avenue, Permit #01031165

Mr. Salvador moved to grant a 90-day extension for the above-mentioned permit number. Mr. Pierce seconded the motion.

Motion carried unanimously.

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

TCC APPEAL #6: APPEAL OF BUILDING OFFICIAL'S DECISION: City of Miami Beach, 400 Collins Avenue, Permit #B0300779

Mr. Salvador moved to grant a 60-day extension for the above-mentioned permit number. Mr. V. Fernandez seconded the motion.

Motion carried unanimously.

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

REPORT #1

Certification of Inspectors/Plans Examiners for June

Certification Subcommittee Recommendations – Certification of Building Officials, Inspectors, and Plans Examiners

The following individuals are being recommended for **approval** for **New-Certification** for 2003.

INSPECTOR:
Auchet, Pedro E

REPRESENTING:
Town of Miami Lakes

DISCIPLINES:
Building Inspector (Structural)

Fuego, Victor R.	Village of Pinecrest	Building Inspector (Structural)
Gonzalez, Dario	Town of Golden Beach	Building Official
Guasp, Jorge	Town of Miami Lakes	Chief Electrical Inspector
Nichols, Jerome	Miami-Dade County	Mechanical Inspector
Palacio, Eliezer	Town of Miami Lakes	Chief Building Inspector
Rivas, Angel R.	Town of Miami Lakes	Building Inspector (Structural)
		Roofing Inspector (Commercial)
		Roofing Inspector (Residential)
Rodriguez, Jesus	City of Florida City	Building Inspector (Structural)
		Roofing Inspector (Commercial)
		Roofing Inspector (Residential)

Mr. Salvador moved to **approve** the above-mentioned individuals for **New-Certification** for 2003. Mr. Pierce seconded the motion.

Motion carried unanimously.

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

Mr. Salvador then announced that the following individuals are being recommended for **rejection** for **New Certification** for 2003.

<u>INSPECTOR:</u>	<u>REPRESENTING:</u>	<u>DISCIPLINES:</u>
Fuego, Victor R.	Village of Pinecrest	Roofing Inspector (Commercial)
		Roofing Inspector (Residential)
Rodriguez, Jesus	City of Florida City	Plans Examiner Building

He stated that Mr. Victor Fuego had since submitted the proper paperwork and a letter indicating such information and therefore, he moved to grant him New Certification. Mr. V. Fernandez seconded the motion.

Motion carried unanimously.

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

Mr. Salvador then added that Mr. Jesus Rodriguez was being rejected for New Certification. Mr. V. Fernandez seconded the motion.

Motion carried unanimously.

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

Discussion: 468.603 – Building Code Administrator/Building Official

Mr. Salvador asked the Board’s whether a private company hires a Building Official.

Mr. Velazquez stated the City could not delegate these functions until they are certified to do so.

Mr. Salvador remarked that the Building Official should only be employed by that particular building department.

Mr. Michael Goolsby, Chief, Code Compliance Division, commented that some municipalities work with each other on the Building Official’s duties where someone would step in the event of their absence.

Mr. Salvador stated that the Certification subcommittee recommended that they hire a Building Official; not someone from private industry, it must be a direct employee.

Mr. Joe Ferras, Building Official, City of Miami, asked for clarification on the motion.

Mr. Pierce clarified the subcommittee’s recommendation to indicate that the Building Official from each municipality must be an employee and in his absence his responsibilities can not be subcontracted out. Mr. Velazquez seconded the motion.

Discussion on the motion:

Mr. Kurzman asked for the names of the municipalities that are doing this method and commented that his primary concern was that the small municipalities would be affected. At this time, he asked for this item to be tabled until the Dade League of Cities obtains notice about this issue.

Mr. Pierce then withdrew his motion and accepted Mr. Kurzman’s motion for the deferral.

EMERGENCY AGENDA

Mr. Salvador moved to hear the Emergency Agenda. Mr. Pierce 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, Brickell Bay Plaza, 1200 Brickell Bay Drive, Temporary Certificate of Occupancy

Mr. Utterback announced that this appeal has been deferred to the July 17, 2003 Board of Rules and Appeals meeting.

APPEAL #2: APPEAL OF BUILDING OFFICIAL'S DECISION: City of Miami, Espirito Santo Plaza, 1395 Brickell Avenue, Ventless Dryers

Mr. Jeff Yao, Director of Construction Services, informed the Board that the appeal was based on the vent less drier combination. He mentioned to the Board that the distributor would explain further the details of the unit.

Mr. Ferras stated that this system was ducted, but through a revision it was noticed that the duct shaft was not there. He explained to the Board that the issue is that hot air is going into the units and there may be a concern for mold.

Mr. Utterback clarified the appeal to the Board member.

Mr. Ferras commented that he just does not have enough information on the ventless driers.

Mr. Don Harrington explained the ventless system and stated that there was no exhaustion or hot air exiting the unit. He remarked that it actually pulls cooler air from the room and blows it out of the front and the air that is in the drier remains there.

Mr. Velazquez asked was the washer and drier one unit.

Mr. Harrington answered "yes" and it cost about \$1300 dollars and was made in Sweden.

Mr. Barnes asked about the laws in monitoring a system of this sort and asked what if someone did not want one of these units.

Mr. Pao stated that these are condos, so maybe they can put a clause in their bylaws.

Mr. Fernandez-Fraga asked how much power does the system use.

Mr. Harrington remarked that the system worked on 115 volts.

Upon some discussion, Mr. Barnes moved to grant a one time approval for the use of this system at this site. 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 Beach, Chatam Towers at Aqua, 250 West 63 Street, Garage Safeguards Appeal

Mr. Luis Perez, Structural Director for the project, stated that the parking garage has a covered fence and he provided a bollard design as a vehicular barrier. He explained that they used the load requirement provided by the code.

Mr. Muhammad Partovi, City of Miami Beach, stated that the South Florida Building Code and the Florida Building Code has the same language in addressing this issue. He added that there is reasonable assumption, but the code does not allow him to make any alternates.

Mr. Barnes asked was this an upgrade of an existing garage.

Mr. Partovi answered "yes".

Mr. Horton asked Mr. Partovi would this be an equal alternate.

Mr. Partovi commented that he could not compare it to a cable system and the code is not clear.

Mr. Velazquez read staff's opinion of Building Code Compliance Office into the records.

*Mr. Riley left at 3:03 P.M.

After some discussion, Mr. Velazquez moved to grant the appeal that two bollards are sufficient as an equal alternate. Mr. Barnes seconded the motion.

Discussion on the motion:

Mr. Utterback remarked that in his opinion this is not an equal alternate to the code.

Mr. Horton stated that he would like to consider staff's recommendation or maybe they could add a horizontal rail.

Mr. Partovi commented that welding may have to be added.

*Mr. Horton left at 3:21 P.M.

Mr. Kurzman commented that the code is clear in asking for a 10,000 pound unit.

At this time, Mr. Salvador moved to deny the appeal. Mr. V. Fernandez seconded the motion.

Motion carried. (Mr. Velazquez, Mr. Barnes and Mr. Fernandez-Fraga were opposed).

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

TCO/TCC APPEALS

TCO APPEAL #1: APPEAL OF BUILDING OFFICIAL'S DECISION: City of Miami Beach, Abkey No. 17/Fudruckers, 1555 Washington Avenue, Permit #B01000654

Mrs. Sandra Upeigui was present on behalf of Fudruckers.

Mrs. Rhonda Montoya, Attorney for the City of Miami Beach, informed the Board that they had no objections to an extension.

Mr. Salvador moved to grant a 90-day extension for the above-mentioned permit number. Mr. V. Fernandez seconded the motion.

Motion carried unanimously.

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

TCO APPEAL #2: APPEAL OF BUILDING OFFICIAL'S DECISION: City of Coral Gables, UM Ponce De Leon Blvd., Permit #02040083

Mr. Salvador moved to grant a 90-day extension for the above-mentioned permit number. Mr. Kurzman seconded the motion.

Motion carried unanimously.

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

TCO APPEAL #3: APPEAL OF BUILDING OFFICIAL'S DECISION: City of Coral Gables, UM Yaron Field Storage, Permit #02050646

Mr. Salvador moved to grant a 90-day extension for the above-mentioned permit number. Mr. Kurzman seconded the motion.

Motion carried unanimously.

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

Meeting adjourned at 3:38 P.M.

MINUTES OF THE BOARD OF RULES AND APPEALS MEETING ON 07-17-03

Attendance: Thomas Utterback, CH Richard Horton, VC Enrique Salvador Arnold Velazquez
Robert Barnes John Kurzman Justin Manuel Rolando Diaz
Steven L. Johns Chief Virgilio Fernandez

Excused: Jesus M. Gomez Edward Woodard Carmen Garcia William Riley
Capt. William Strachan Gregory Pierce Alfonso A. Fernandez-Fraga, P.E.

Staff Present: Herminio Gonzalez, Secretary Mariela Martinez-Cid, Asst. County Attorney
Yvonne Bell, Recording Secretary

Court Reporter: Janice Aguirre, Metro Dade Court Reporters

Commenced at 1:20 p.m.

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

CONSENT AGENDA

APPEAL #1: TCO EXTENSION, PERMIT No. B0000931, Grenede
APPEAL #2: TCO EXTENSION, PERMIT No. 01-5012156, Bixby
APPEAL #3: TCC EXTENSION, PERMIT No. B0002925, Ferretti
APPEAL #4: TCO EXTENSION, PERMIT No. B0002925, Ferretti
APPEAL #5: TCO EXTENSION, PERMIT No. 00-5019700, Chakas
APPEAL #6: TCO EXTENSION, PERMIT No. 320 San Lorenzo Avenue #1220 – Permit # 02070148, Neuman
320 San Lorenzo Avenue #1230 – Permit #02060361
342 San Lorenzo Avenue #1090 – Permit #03020150
370 San Lorenzo Avenue #2455 – Permit #02080599
320 San Lorenzo Avenue #1240 – Permit #02070095
320 San Lorenzo Avenue #1320 – Permit #02070115
360 San Lorenzo Avenue #1440 – Permit #02080523

EMERGENCY CONSENT AGENDA

APPEAL #1: TCO EXTENSION, PERMIT No. 1993278779, Delgado
APPEAL #2: TCO EXTENSION, PERMIT No. 2002062813, Delgado
APPEAL #3: TCO EXTENSION, PERMIT No. 1996055847, Gonzalez
APPEAL #4: TCO EXTENSION, PERMIT No. 1997066519, Gonzalez
APPEAL #5: TCC EXTENSION, PERMIT No. B0300873, Fine
APPEAL #6: TCC EXTENSION, PERMIT No. BCC0200349, Fine
APPEAL #7: TCO EXTENSION, PERMIT No. BCO01044, de la Fuente

Mr. Horton moved to add to the consolidation process the following TCO/TCC Appeals on the regular agenda:

APPEAL #1: TCO EXTENSION, PERMIT No. B9703348, Grimm
APPEAL #2: TCC EXTENSION, PERMIT No. B0001107, Hodack
APPEAL #3: TCC EXTENSION, PERMIT No. B9801740, Hodack
APPEAL #4: TCC EXTENSION, PERMIT No. B0001111, Hodack
APPEAL #5: TCC EXTENSION, PERMIT No. B9904240, Hodack

Mr. Horton then moved to accept the Consent Agenda and the Emergency Agenda Items, as well as the TCO/TCC appeals on the regular agenda. Mr. Johns seconded the motion.

Motion carried unanimously.

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

Minutes of June 19th, 2003

Mr. Utterback then requested a motion to approve the minutes for the **June 19th, 2003** meeting. Mr. Horton moved to approve the minutes of the last meeting. Mr. Salvador 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, 1200 Brickell Bay Drive, Temporary Certificate of Occupancy

Mr. David J. Feinberg requested of the Board that they direct the City of Miami to allow them to use the first four floors in the garage since the structure is completed up to the 14th floor. He would like for the tenants in the adjacent building to also be able to park in this garage and offered to submit a complete fire life safety package up to the 14th floor. Mr. Feinberg added that the elevators are operational and all of the sprinkler systems are working, therefore he asked for the board to grant a TCO for the first four floors of the garage.

Mr. Kurzman asked how long it would be before the job is completed.

Mr. Roberto Hevia, City of Miami, stated that there are ADA requirements that needed to be addressed and they also needed to submit a statement of inspection. He added that at the present moment the workers above the fourth floor do not have any protection.

Mr. Feinberg responded that the statement would be made available and the handicap requirements are provided for the whole garage, as well as handrails and lighting is in place and signage.

Mr. Diaz commented that there will be a safety liability at this site.

Mr. Feinberg remarked that the ground level will include a sidewalk and the general contractor has established his work perimeter. He added that no pedestrian would be allowed to walk near the construction site.

Mr. Salvador reminded the appellant about OSHA regulations, since there are pedestrians who may have to use the sidewalk and their safety is of concern.

Mr. Diaz stated that this is one building and the threshold inspector has to approve it as a whole building.

Mr. Horton commented that they have provided the life safety requirements and the garage could be occupied even during construction.

Mr. Kurzman expressed his concerns about insurance coverage.

Mr. Hollow remarked that they would not allow anyone to park there until there was recognition from the insurance company. He emphasized that they are requesting one permit, but Mr. Hevia informed them that they needed two permits, one for the garage and the other for the building.

Mr. Feinberg stated that precedent is already set by the City to allow permits for this same situation. He further stressed that there would be attendants at all times.

Mr. Velazquez asked to what level was the life safety issue addressed.

Mr. Jaime Artz stated that there are fire sprinklers fully operational and the fire alarm is going through the four floors.

At this time Mr. Velazquez moved to grant the appeal based on the life safety measures put in place and the ADA accessibility is met to the satisfaction of the Building Official. Mr. Horton seconded the motion.

Discussion on the motion:

Mr. Johns commented that he was concerned about the people using this garage, since there are materials all around the building.

Mr. Diaz remarked that the permits have to be finalized before a TCO is issued, and it is clear that this structure is not completed.

Mr. Horton stated that they could provide life safety measures up to the 12th floor and the structure above the garage could be made accessible. He further added that the contractor and the owner needed to assure safety.

Mr. Velazquez stressed that the code plainly states that they could receive a partial TCO.

Mr. V. Fernandez stated that since the structure is unfinished, this was not a building. He commented that the occupants can go in under the contractor's license.

Mr. Hollow stated that they were not using the garage to transport materials and stated that he has seen this building method on numerous occasions. He stated that they were maintaining the life safety issues and the garage would take an additional four weeks before the TCO is granted.

Mr. Hevia stated that the sanitary issues are not addressed either and he issue a TCO for the entire building.

After much discussion, Mr. Utterback called the vote on Mr. Velazquez' motion to grant the appeal in favor of the appellant.

Motion failed. (Mr. Salvador, Mr. Johns, Mr. Manuel and V. Fernandez were opposed).

Mr. Salvador then moved to deny the appeal. Mr. Diaz seconded the motion.

Motion carried. (Mr. Velazquez, Mr. Barnes, Mr. Kurzman, Mr. Horton were opposed).

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

APPEAL #2: APPEAL OF BUILDING OFFICIAL'S DECISION: City of Miami Beach, Plumbing Fixture and Material

Mrs. Mariel Hautoux addressed the Board and informed them that her company designed a sink out of concrete for a customer but was told that the use of concrete for plumbing fixtures was not allowed according to the code.

Mr. Paul Elledge, Plumbing Chief, City of Miami Beach, stated that concrete is allowed and the sealer must meet the code

Mr. Kurzman asked if they were to get a certificate by a laboratory would there still be a problem with the use of the concrete.

Mr. Elledge answered that this material is coated.

Mr. Barnes stated that he had seen a sealer that does not wear out at some point and time.

Mr. Utterback commented that countertops are not a fixture.

Mrs. Hautoux replied that the use of concrete is a new design and many companies are selling this product. She added that they were a small company and their pieces are custom made.

Mr. Salvador remarked that bacteria could build up in the pores.

Mr. Jorge Gamoneda, (Plumbing), Code Compliance Specialist, commented that lavatories must comply with the standards of P416 and explained to the Board that he took a piece of concrete and marked it with a pen and could not remove the mark. Mr. Gamoneda further replied that this material did not meet specialty fixture requirements, but it could be used for countertop.

After some discussion, Mr. Salvador moved to deny the appeal. Mr. Diaz 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 South Miami, 6860 S.W. 75 Terrace, FBC 2319.17.2, Wood Trusses

Mr. Richard Bechtold informed the Board that they submitted shop drawings to the City of South Miami, which the engineer for the truss company suggested that they split the load. Mr. Bechtold explained that the shop drawings were then submitted to the City of South Miami and were disapproved, due to the fact that they would like for them to re-engineer from the ground up and re-submit as a revision.

Mr. Jose Mitrani, Plans Reviewer, City of South Miami, stated that the original roof framing plans were not changed and he would like them to comply with Section 2319.17.2.1. Mr. Mitrani further added that the shop drawings had a different layout and reaction points and he would like them to use the truss companies' layout.

Mr. Barnes asked who designed and drafted the plans and commented that architects, who are the engineers of record could certify plans.

Mr. Mitrani stated that there was a structural engineer on the job and proceeded to direct the Board to a section of the Florida Building Code that addresses this area.

Mr. Kurzman asked whether the Building Official wanted the plans redrawn.

Mr. Mitrani explained that some of the trusses do not show the operative connectors.

Mr. Bechtold answered that there is an engineer on record to revise the plans.

Mr. Utterback asked did they have a modified set of plans approved by the engineer.

Mr. Bechtold responded “yes” and proceeded to show the Board the plans.

Mr. Utterback asked Mr. Mitrani did he see the plans submitted to the Board today.

Mr. Mitrani replied that he does not know if these are the plans that were reviewed by the Building Department of South Miami.

Mr. Horton remarked that the plans could be submitted with revisions.

After some discussion, Mr. Salvador moved to grant the appeal in accepting the drawings signed and sealed by the engineer of record. Mr. Johns seconded the motion.

Upon further discussion, Mr. Horton offered a friendly amendment and moved that the contractor resubmit the plans addressing the tie beam and girder connectors with the confirmation of Mr. Mitrani. Mr. Kurzman seconded the motion.

Mr. Salvador accepted the amendment.

Motion carried. (Mr. Velazquez was opposed).

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

APPEAL #4: APPEAL OF BUILDING OFFICIAL’S DECISION: City of South Miami, 6230 S.W. 58 Street, FBC Section 3401.8.2.3.1, 25% Rule – Building Area

Mr. Robert Hahhad informed the Board that he would like to add 180 square feet to his area home and stated that he is enclosing the patio and garage.

Mr. Horton clarified that the issue was whether the carport and the garage, as it exists at the present, counted as existing square footage of the structure.

Mr. Mitrani commented that he met with the owner and the engineer in trying to resolve this matter, but there were two issues that needed to be addressed. He proceeded to explain that the owner will be demolishing the carport and terrace and then rebuild. He further added that the board has ruled on other cases that the enclosed areas do not include open carports and also Mr. Hahhad will be adding 37 to 40% new area to the house.

After some discussion, Mr. Salvador moved to grant the appeal in favor of the homeowner. Mr. Johns 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, 5605 S.W. 85 Street, FBC (Mechanical) Section 303, Fireplace Installation

Mr. Stewart Debowsky informed the Board that the appellant would like to place two fire places in her home with one in the living room and the other in the bedroom. It was at this time that the owner was told a fire place in the bedroom was not permissible, since the code did not allow fire places in this area of the house.

Mr. Harold Schoendorf, Unincorporated Miami-Dade County Building Department, commented that there is a provision, but this is an unusual tight construction. He reminded the members that the energy code must also be complied with.

Mr. Pete Quintela, (Mechanical) Code Compliance Specialist, stated that through his inquiries to the manufacturer and the listing lab there were no restrictions for occupancy applications. Mr. Quintela further added that he also called several counties throughout Florida and they would allow this type of installation.

After some discussion, Mr. Salvador moved to grant the appeal on the basis that the product is listed by a recognized lab. He further added that the owner could use gas to run the fire place, as long the installation is performed in accordance to its listing. Mr. Kurzman 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, Emerald at Brickell, 218 S.E. 14 Street, SFBC 302.1, Permit Revisions

Mrs. Lucia Dougherty addressed the Board and proceeded to explain that this building had received a building permit under the 1004 South Florida Building Code. She stated that they had received a Class II permit within the City of Miami and was told they could add an additional ten floors to the structure, which was originally a condo/hotel and now they just want it to be a condo residence. She further indicated that they would like to proceed with the revised plans and in a meeting that was held in January, they were told that they could renew the permit. She further added that they are willing to comply with the life safety issues under the new code and requested that the Board grant them the revision.

Mr. Hevia commented that he was not in attendance at this meeting as mentioned by Mrs. Dougherty. He stated that the structure should be revised as well, since the South Florida Building Code did not require the structural envelope as it is today.

Mr. Horton remarked that if you were to add an additional ten stories to this building then the whole structural envelope has changed significantly from its original design.

After much discussion, Mr. Diaz moved to grant the appeal based on the new plans as a revision under the South Florida Building Code and the life safety issues must comply with the 2001 Fire Prevention Code. Mr. Kurzman seconded the motion.

Motion carried. (Mr. V. Fernandez was opposed.)

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

At this time, the Board took recess at 3:22 P.M. and reconvened at 3:32 P.M.

REPORT #1

Certification of Inspectors/Plans Examiners for July

Certification Subcommittee Recommendations – Certification of Building Officials, Inspectors, and Plans Examiners

The following individuals are being recommended for **approval** for **New-Certification** for 2003.

<u>INSPECTOR:</u>	<u>REPRESENTING:</u>	<u>DISCIPLINES:</u>
Barrios, Ardiel	City of North Miami Beach	Roofing Inspector (Commercial) Roofing Inspector (Residential)
Esher, Charles B.	City of North Miami Beach	Building Inspector (Structural)
Maruri, Miguel A.	Miami-Dade County	Building Inspector (Structural)
Mayer, Haskel	City of Miami Beach	Building Inspector (Structural)
Reed, Edwin W.	City of North Miami Beach	Building Inspector (Structural) Roofing Inspector (Commercial) Roofing Inspector (Residential)
Rivas, Angel R.	Village of Pinecrest	Roofing Inspector (Commercial) Roofing Inspector (Residential)
Rodriguez, Eduardo	City of Homestead	Building Inspector (Structural) Roofing Inspector (Commercial) Roofing Inspector (Residential)
Zara, Peter L.	City of Miami	Roofing Inspector (Commercial) Roofing Inspector (Residential)

Mr. Salvador moved to **approve** the above-mentioned individuals for **New-Certification** for 2003. Mr. Johns seconded the motion.

Motion carried unanimously.

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

Mr. Salvador then announced that the following individuals are being recommended for **rejection** for **New Certification** for 2003.

<u>INSPECTOR:</u>	<u>REPRESENTING:</u>	<u>DISCIPLINES:</u>
Torre, Gerardo L.	Miami-Dade County	Plans Examiner (Building)

(Must comply with the South Florida Building Code requirement of Section 201.2(a)(3)(dd) as adopted by Ordinance 01-225 – Required 5 years experience under such position.

Mr. Salvador moved to reject Mr. Torre for New Certification due to the lack of the five year experience as required by the South Florida Building Code. Mr. V. Fernandez seconded the motion.

Motion carried unanimously.

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

EMERGENCY AGENDA

Mr. V. Fernandez moved to hear the Emergency Agenda. Mr. Salvador 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, Espirito Santo Plaza, 1395 Brickell Avenue, SFBC Section 3905.5(A)

Mr. Jeffrey Yao requested of the Board to allow the omission for stairs and elevator pressurization, due to the fact that the building is completely sprinkled with two-hour separation. He informed them that the reasoning behind the City's decision to add pressurization is that in their opinion this is a high-rise mix occupancy structure.

Mr. Hevia commented that in fact the first three floors are retail.

Mr. Utterback stated that this structure was originally approved without pressurization.

Mr. V. Fernandez remarked that he walked through the building and under the South Florida Building Code the issue is whether the parking garage can be enclosed.

Mr. Horton commented that if the top floors require pressurization then the whole building must be pressurized.

Mr. John McCormick stated that the code had requirements for pressurized stairs and they have installed a quick response system. He further added that at the time of the meeting a report was given to the City for their comments.

Mr. Utterback stated that the City has the right to make additional requests after initial conference on the matter.

Mr. McCormick commented that the structure is pressurized according to the agreement that was made with the City.

Mrs. Amy Murdock, CCI stated that they have a locker room and Level II and down has open air garage and there are also four levels with natural ventilation with a four hour fire rated system near the pool area.

Mrs. Murdock stressed that there was no pressurized stairs, but there is a 2-hour separation.

Mr. Horton stated that separation makes it a different occupancy.

After much discussion, Mr. Horton moved to grant the appeal provided they make an attempt to provide a smoke guard for the first three floors. Mr. Johns seconded the motion.

Discussion on the motion:

Mr. V. Fernandez stated that he inspected the stairs and something could be done for the elevator shafts.

Mr. Kevin Carrier, (Fire) Code Compliance Specialist, stated that he also inspection the property and agrees with the Building Official in the fact that this structure is mixed occupancy.

Mr. Yao stated that the retail area is separated.

Motion carried. (Mr. V. Fernandez was opposed).

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

APPEAL #2: APPEAL OF BUILDING OFFICIAL'S DECISION: Unincorporated Miami-Dade County, Banna Strow's Kiosk, 1455 N.W. 107 Avenue, FBC Mechanical Section 507.2

Mr. Diego Sardi of Banna Strow's asked that the Board grant them the use of a ventless hood counter top crepe maker for Banna Strow's. He explained that there is a limited amount of grease used to prepare the crepes.

Mr. Harold Schoendorf with the Building Department of Unincorporated Miami-Dade County stated that there was nothing in the code to allow the use of a recirculation hood.

Mr. Quintela cited Section 922 of the International Mechanical Code that “*the code intends to regulate the design, construction and installation of cooking appliances that are designed for permanent installation.*” He further added that the code does not regulate portable appliances such as electrically heated counter-top appliances and that there is no grease or smoke coming from this device. He recommended to the Board not to require the use or the need for a kitchen hood for this application.

Upon some discussion, Mr. Johns moved to grant the appeal. Mr. Salvador seconded the motion.

Motion carried unanimously.

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

TCO/TCC APPEALS

TCO APPEAL #1: APPEAL OF BUILDING OFFICIAL’S DECISION: City of Miami Beach, Blue and Green Diamond Condominium, 4775 Collins Avenue, Permit #B9904387/BCO03158

Mr. Bob de la Fuente represented the Blue and Green Diamond Condominium for this appeal.

Mr. Kurzman moved to grant a 90-day extension for the above-mentioned permit number. Mr. Horton seconded the motion.

Motion carried unanimously.

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

TCO APPEAL #2: APPEAL OF BUILDING OFFICIAL’S DECISION: City of Miami Beach, Blue and Green Diamond Condominium, 4775 Collins Avenue, Permit #B9904387/BCO2135/BCO2136

Mr. Bob de la Fuente represented the Blue and Green Diamond Condominium for this appeal.

Mr. Kurzman moved to grant a 90-day extension for the above-mentioned permit number. Mr. Horton seconded the motion.

Motion carried unanimously.

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

Discussion: Anchor Glazing

This item was **referred** to the Building Subcommittee by the Chairperson.

Meeting adjourned at 4:08 P.M.

MINUTES OF THE BOARD OF RULES AND APPEALS MEETING ON 09-18-03

Attendance: Thomas Utterback, CH Enrique Salvador Robert Barnes John Kurzman
Rolando Diaz Jesus M. Gomez Edward Woodard Carmen Garcia
Capt. William Strachan Gregory Pierce Justin Manuel Chief Virgilio Fernandez
Alfonso A. Fernandez-Fraga, P.E.

Excused: Richard Horton, VC William Riley Arnold Velazquez Steven L. Johns

Staff Present: Herminio Gonzalez, Secretary Mariela Martinez-Cid, Asst. County Attorney
Yvonne Bell, Recording Secretary

Court Reporter: Janice Aguirre, Metro Dade Court Reporters

Commenced at 1:20 p.m.

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

CONSENT AGENDA

APPEAL #1: TCO EXTENSION, PERMIT No. B0204974, Haynes
APPEAL #2: TCO EXTENSION, PERMIT No. B0203562, Nardi
APPEAL #3: TCC EXTENSION, PERMIT No. 01031359, Cytrynowicz
APPEAL #4: TCC EXTENSION, PERMIT No. 01031360, Cytrynowicz
APPEAL #5: TCC EXTENSION, PERMIT No. 01020324, Cytrynowicz
APPEAL #6: TCC EXTENSION, PERMIT No. 00110089, Cytrynowicz
APPEAL #7: TCC EXTENSION, PERMIT No. 00100285, Cytrynowicz
APPEAL #8: TCO EXTENSION, PERMIT No. 00-5020020, Glasser
APPEAL #9: TCO EXTENSION, PERMIT No. 00-5020023, Glasser
APPEAL #10: TCO EXTENSION, PERMIT No. 00-5020563, Glasser
APPEAL #11: TCC EXTENSION, PERMIT No. 01050284, Stephen
APPEAL #13: TCO EXTENSION, PERMIT No. BCO03009, B0303515, Armstrong
APPEAL #14: TCO EXTENSION, PERMIT No. 320 San Lorenzo Avenue #1210 – Permit # 02110296, Nueman
320 San Lorenzo Avenue #1215 – Permit # 02100579
320 San Lorenzo Avenue #1220 – Permit # 02070148
320 San Lorenzo Avenue #1230 – Permit # 02060361
320 San Lorenzo Avenue #1235 – Permit # 02110346
320 San Lorenzo Avenue #1240 – Permit # 02070035
320 San Lorenzo Avenue #1250 – Permit # 02080622
320 San Lorenzo Avenue #1255 – Permit # 02080542
330 San Lorenzo Avenue #2300 – Permit # 02080678
330 San Lorenzo Avenue #2302 – Permit # 02080348
330 San Lorenzo Avenue #2305 – Permit # 0206178
330 San Lorenzo Avenue #2310 – Permit # 02080543
330 San Lorenzo Avenue #2315 – Permit # 03010134
330 San Lorenzo Avenue #2320 -- Permit # 02070624
330 San Lorenzo Avenue #2325 – Permit # 02080201
330 San Lorenzo Avenue #2327 – Permit # 0207634
330 San Lorenzo Avenue #2335 – Permit # 02110425
330 San Lorenzo Avenue #2345 – Permit # 02080097
342 San Lorenzo Avenue #1000 – Permit # 02080400
342 San Lorenzo Avenue #1005 – Permit # 02050103
342 San Lorenzo Avenue #1015 – Permit # 02080225
342 San Lorenzo Avenue #1020 – Permit # 02080233
342 San Lorenzo Avenue #1030 – Permit # 02080398
342 San Lorenzo Avenue #1035 – Permit # 02100575
342 San Lorenzo Avenue #1040 – Permit # 02110476
342 San Lorenzo Avenue #1045 – Permit # 02050364
342 San Lorenzo Avenue #1050 – Permit # 02070018
342 San Lorenzo Avenue #1055 – Permit # 02080224
342 San Lorenzo Avenue #1060 – Permit # 02060480
342 San Lorenzo Avenue #1075 – Permit # 02080359
342 San Lorenzo Avenue #1080 – Permit # 0200362

342 San Lorenzo Avenue #1085 – Permit # 02060500
342 San Lorenzo Avenue #1095 – Permit # 02070112
342 San Lorenzo Avenue #1100 – Permit # 02100541
342 San Lorenzo Avenue #1105 – Permit # 02070468
350 San Lorenzo Avenue #2005 – Permit # 02070037
350 San Lorenzo Avenue #2010 – Permit # 02060542
350 San Lorenzo Avenue #2020 – Permit # 02080093
350 San Lorenzo Avenue #2025 – Permit # 02056236
350 San Lorenzo Avenue #2030 – Permit # 02070180
350 San Lorenzo Avenue #2035 – Permit # 02080077
350 San Lorenzo Avenue #2100 – Permit # 02060536
350 San Lorenzo Avenue #2105 – Permit # 02080301
350 San Lorenzo Avenue #2110 – Permit # 02070325
350 San Lorenzo Avenue #2115 – Permit # 02100529
350 San Lorenzo Avenue #2125 – Permit # 02070532
350 San Lorenzo Avenue #2130 -- Permit # 02088119
350 San Lorenzo Avenue #2135 – Permit # 02050466
350 San Lorenzo Avenue #2200 – Permit # 02080096
350 San Lorenzo Avenue #2205 – Permit # 02070191
350 San Lorenzo Avenue #2210 – Permit # 02050202
350 San Lorenzo Avenue #2220 -- Permit # 02050276
350 San Lorenzo Avenue #1090 -- Permit # 03020150
350 San Lorenzo Avenue #3000 – Permit # 02060444
358 San Lorenzo Avenue #3020 – Permit # 02080118
358 San Lorenzo Avenue #3025 – Permit # 02070490
358 San Lorenzo Avenue #3030 – Permit # 02080396
358 San Lorenzo Avenue #3110 – Permit # 02070492
358 San Lorenzo Avenue #3120 – Permit # 02090236
358 San Lorenzo Avenue #3125 – Permit # 02070603
358 San Lorenzo Avenue #3135 – Permit # 02080540
358 San Lorenzo Avenue #3140 -- Permit # 02080539
358 San Lorenzo Avenue #3200 – Permit # 02070489
358 San Lorenzo Avenue #3205 – Permit # 02070602
358 San Lorenzo Avenue #3210 – Permit # 02060490
358 San Lorenzo Avenue #3215 – Permit # 02070608
358 San Lorenzo Avenue #3225 – Permit # 02070493
358 San Lorenzo Avenue #3230 – Permit # 02070491
360 San Lorenzo Avenue #1500 – Permit # 02080132
360 San Lorenzo Avenue #1505 -- Permit # 02080537
360 San Lorenzo Avenue #1510 – Permit # 02080354
360 San Lorenzo Avenue #1525 -- Permit # 02070541
360 San Lorenzo Avenue #1530 – Permit # 02110105
370 San Lorenzo Avenue #2400 – Permit # 02080229
370 San Lorenzo Avenue #2415 – Permit # 02080461
370 San Lorenzo Avenue #2420 -- Permit # 03010197
370 San Lorenzo Avenue #2422 – Permit # 02080139
370 San Lorenzo Avenue #2425 – Permit # 02070411
370 San Lorenzo Avenue #2430 – Permit # 02080225
370 San Lorenzo Avenue #2435 – Permit # 02080122
370 San Lorenzo Avenue #2440 – Permit # 02090065
370 San Lorenzo Avenue #2445 – Permit # 02080685
370 San Lorenzo Avenue #2450 – Permit # 02080598
370 San Lorenzo Avenue #2455 – Permit # 02080599
370 San Lorenzo Avenue #2460 – Permit # 02080600
4465 LeJeune Road #1700 -- Permit # 02067057
4401 Ponce De Leon Blvd #1605 – Permit # 02050334

Mr. Utterback then requested a motion to approve the minutes for the **June 19th, 2003** meeting. Mr. Horton moved to approve the minutes of the last meeting. Mr. Salvador 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, 1200 Brickell Bay Drive, Temporary Certificate of Occupancy

Mr. David J. Feinberg requested of the Board that they direct the City of Miami to allow them to use the first four floors in the garage since the structure is completed up to the 14th floor. He would like for the tenants in the adjacent building to also be able to park in this garage and offered to submit a complete fire life safety package up to the 14th floor. Mr. Feinberg added that the elevators are operational and all of the sprinkler systems are working, therefore he asked for the board to grant a TCO for the first four floors of the garage.

Mr. Kurzman asked how long it would be before the job is completed.

Mr. Roberto Hevia, City of Miami, stated that there are ADA requirements that needed to be addressed and they also needed to submit a statement of inspection. He added that at the present moment the workers above the fourth floor do not have any protection.

Mr. Feinberg responded that the statement would be made available and the handicap requirements are provided for the whole garage, as well as handrails and lighting is in place and signage.

Mr. Diaz commented that there will be a safety liability at this site.

Mr. Feinberg remarked that the ground level will include a sidewalk and the general contractor has established his work perimeter. He added that no pedestrian would be allowed to walk near the construction site.

Mr. Salvador reminded the appellant about OSHA regulations, since there are pedestrians who may have to use the sidewalk and their safety is of concern.

Mr. Diaz stated that this is one building and the threshold inspector has to approve it as a whole building.

Mr. Horton commented that they have provided the life safety requirements and the garage could be occupied even during construction.

Mr. Kurzman expressed his concerns about insurance coverage.

Mr. Hollow remarked that they would not allow anyone to park there until there was recognition from the insurance company. He emphasized that they are requesting one permit, but Mr. Hevia informed them that they needed two permits, one for the garage and the other for the building.

Mr. Feinberg stated that precedent is already set by the City to allow permits for this same situation. He further stressed that there would be attendants at all times.

Mr. Velazquez asked to what level was the life safety issue addressed.

Mr. Jaime Artz stated that there are fire sprinklers fully operational and the fire alarm is going through the four floors.

At this time Mr. Velazquez moved to grant the appeal based on the life safety measures put in place and the ADA accessibility is met to the satisfaction of the Building Official. Mr. Horton seconded the motion.

Discussion on the motion:

Mr. Johns commented that he was concerned about the people using this garage, since there are materials all around the building.

Mr. Diaz remarked that the permits have to be finalized before a TCO is issued, and it is clear that this structure is not completed.

Mr. Horton stated that they could provide life safety measures up to the 12th floor and the structure above the garage could be made accessible. He further added that the contractor and the owner needed to assure safety.

Mr. Velazquez stressed that the code plainly states that they could receive a partial TCO.

Mr. V. Fernandez stated that since the structure is unfinished, this was not a building. He commented that the occupants can go in under the contractor's license.

Mr. Hollow stated that they were not using the garage to transport materials and stated that he has seen this building method on numerous occasions. He stated that they were maintaining the life safety issues and the garage would take an additional four weeks before the TCO is granted.

Mr. Hevia stated that the sanitary issues are not addressed either and he issue a TCO for the entire building.

After much discussion, Mr. Utterback called the vote on Mr. Velazquez' motion to grant the appeal in favor of the appellant.

Motion failed. (Mr. Salvador, Mr. Johns, Mr. Manuel and V. Fernandez were opposed).

Mr. Salvador then moved to deny the appeal. Mr. Diaz seconded the motion.

Motion carried. (Mr. Velazquez, Mr. Barnes, Mr. Kurzman, Mr. Horton were opposed).

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

APPEAL #2: APPEAL OF BUILDING OFFICIAL'S DECISION: City of Miami Beach, Plumbing Fixture and Material

Mrs. Mariel Hautoux addressed the Board and informed them that her company designed a sink out of concrete for a customer but was told that the use of concrete for plumbing fixtures was not allowed according to the code.

Mr. Paul Elledge, Plumbing Chief, City of Miami Beach, stated that concrete is allowed and the sealer must meet the code

Mr. Kurzman asked if they were to get a certificate by a laboratory would there still be a problem with the use of the concrete.

Mr. Elledge answered that this material is coated.

Mr. Barnes stated that he had seen a sealer that does not wear out at some point and time.

Mr. Utterback commented that countertops are not a fixture.

Mrs. Hautoux replied that the use of concrete is a new design and many companies are selling this product. She added that they were a small company and their pieces are custom made.

Mr. Salvador remarked that bacteria could build up in the pores.

Mr. Jorge Gamoneda, (Plumbing), Code Compliance Specialist, commented that lavatories must comply with the standards of P416 and explained to the Board that he took a piece of concrete and marked it with a pen and could not remove the mark. Mr. Gamoneda further replied that this material did not meet specialty fixture requirements, but it could be used for countertop.

After some discussion, Mr. Salvador moved to deny the appeal. Mr. Diaz 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 South Miami, 6860 S.W. 75 Terrace, FBC 2319.17.2, Wood Trusses

Mr. Richard Bechtold informed the Board that they submitted shop drawings to the City of South Miami, which the engineer for the truss company suggested that they split the load. Mr. Bechtold explained that the shop drawings were then submitted to the City of South Miami and were disapproved, due to the fact that they would like for them to re-engineer from the ground up and re-submit as a revision.

Mr. Jose Mitrani, Plans Reviewer, City of South Miami, stated that the original roof framing plans were not changed and he would like them to comply with Section 2319.17.2.1. Mr. Mitrani further added that the shop drawings had a different layout and reaction points and he would like them to use the truss companies' layout.

Mr. Barnes asked who designed and drafted the plans and commented that architects, who are the engineers of record could certify plans.

Mr. Mitrani stated that there was a structural engineer on the job and proceeded to direct the Board to a section of the Florida Building Code that addresses this area.

Mr. Kurzman asked whether the Building Official wanted the plans redrawn.

Mr. Mitrani explained that some of the trusses do not show the operative connectors.

Mr. Bechtold answered that there is an engineer on record to revise the plans.

Mr. Utterback asked did they have a modified set of plans approved by the engineer.

Mr. Bechtold responded “yes” and proceeded to show the Board the plans.

Mr. Utterback asked Mr. Mitrani did he see the plans submitted to the Board today.

Mr. Mitrani replied that he does not know if these are the plans that were reviewed by the Building Department of South Miami.

Mr. Horton remarked that the plans could be submitted with revisions.

After some discussion, Mr. Salvador moved to grant the appeal in accepting the drawings signed and sealed by the engineer of record. Mr. Johns seconded the motion.

Upon further discussion, Mr. Horton offered a friendly amendment and moved that the contractor resubmit the plans addressing the tie beam and girder connectors with the confirmation of Mr. Mitrani. Mr. Kurzman seconded the motion.

Mr. Salvador accepted the amendment.

Motion carried. (Mr. Velazquez was opposed).

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

APPEAL #4: APPEAL OF BUILDING OFFICIAL’S DECISION: City of South Miami, 6230 S.W. 58 Street, FBC Section 3401.8.2.3.1, 25% Rule – Building Area

Mr. Robert Hahhad informed the Board that he would like to add 180 square feet to his area home and stated that he is enclosing the patio and garage.

Mr. Horton clarified that the issue was whether the carport and the garage, as it exists at the present, counted as existing square footage of the structure.

Mr. Mitrani commented that he met with the owner and the engineer in trying to resolve this matter, but there were two issues that needed to be addressed. He proceeded to explain that the owner will be demolishing the carport and terrace and then rebuild. He further added that the board has ruled on other cases that the enclosed areas do not include open carports and also Mr. Hahhad will be adding 37 to 40% new area to the house.

After some discussion, Mr. Salvador moved to grant the appeal in favor of the homeowner. Mr. Johns 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, 5605 S.W. 85 Street, FBC (Mechanical) Section 303, Fireplace Installation

Mr. Stewart Debowsky informed the Board that the appellant would like to place two fire places in her home with one in the living room and the other in the bedroom. It was at this time that the owner was told a fire place in the bedroom was not permissible, since the code did not allow fire places in this area of the house.

Mr. Harold Schoendorf, Unincorporated Miami-Dade County Building Department, commented that there is a provision, but this is an unusual tight construction. He reminded the members that the energy code must also be complied with.

Mr. Pete Quintela, (Mechanical) Code Compliance Specialist, stated that through his inquiries to the manufacturer and the listing lab there were no restrictions for occupancy applications. Mr. Quintela further added that he also called several counties throughout Florida and they would allow this type of installation.

After some discussion, Mr. Salvador moved to grant the appeal on the basis that the product is listed by a recognized lab. He further added that the owner could use gas to run the fire place, as long the installation is performed in accordance to its listing. Mr. Kurzman 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, Emerald at Brickell, 218 S.E. 14 Street, SFBC 302.1, Permit Revisions

Mrs. Lucia Dougherty addressed the Board and proceeded to explain that this building had received a building permit under the 1004 South Florida Building Code. She stated that they had received a Class II permit within the City of Miami and was told they could add an additional ten floors to the structure, which was originally a condo/hotel and now they just want it to be a condo residence. She further indicated that they would like to proceed with the revised plans and in a meeting that was held in January, they were told that they could renew the permit. She further added that they are willing to comply with the life safety issues under the new code and requested that the Board grant them the revision.

Mr. Hevia commented that he was not in attendance at this meeting as mentioned by Mrs. Dougherty. He stated that the structure should be revised as well, since the South Florida Building Code did not require the structural envelope as it is today.

Mr. Horton remarked that if you were to add an additional ten stories to this building then the whole structural envelope has changed significantly from its original design.

After much discussion, Mr. Diaz moved to grant the appeal based on the new plans as a revision under the South Florida Building Code and the life safety issues must comply with the 2001 Fire Prevention Code. Mr. Kurzman seconded the motion.

Motion carried. (Mr. V. Fernandez was opposed.)

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

At this time, the Board took recess at 3:22 P.M. and reconvened at 3:32 P.M.

REPORT #1

Certification of Inspectors/Plans Examiners for July

Certification Subcommittee Recommendations – Certification of Building Officials, Inspectors, and Plans Examiners

The following individuals are being recommended for **approval** for **New-Certification** for 2003.

<u>INSPECTOR:</u>	<u>REPRESENTING:</u>	<u>DISCIPLINES:</u>
Barrios, Ardiel	City of North Miami Beach	Roofing Inspector (Commercial) Roofing Inspector (Residential)
Esher, Charles B.	City of North Miami Beach	Building Inspector (Structural)
Maruri, Miguel A.	Miami-Dade County	Building Inspector (Structural)
Mayer, Haskel	City of Miami Beach	Building Inspector (Structural)
Reed, Edwin W.	City of North Miami Beach	Building Inspector (Structural) Roofing Inspector (Commercial) Roofing Inspector (Residential)
Rivas, Angel R.	Village of Pinecrest	Roofing Inspector (Commercial) Roofing Inspector (Residential)
Rodriguez, Eduardo	City of Homestead	Building Inspector (Structural) Roofing Inspector (Commercial)
Zara, Peter L.	City of Miami	Roofing Inspector (Residential) Roofing Inspector (Commercial) Roofing Inspector (Residential)

Mr. Salvador moved to **approve** the above-mentioned individuals for **New-Certification** for 2003. Mr. Johns seconded the motion.

Motion carried unanimously.

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

Mr. Salvador then announced that the following individuals are being recommended for **rejection** for **New Certification** for 2003.

<u>INSPECTOR:</u> Torre, Gerardo L.	<u>REPRESENTING:</u> Miami-Dade County	<u>DISCIPLINES:</u> Plans Examiner (Building)
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(Must comply with the South Florida Building Code requirement of Section 201.2(a)(3)(dd) as adopted by Ordinance 01-225 – Required 5 years experience under such position.

Mr. Salvador moved to reject Mr. Torre for New Certification due to the lack of the five year experience as required by the South Florida Building Code. Mr. V. Fernandez seconded the motion.

Motion carried unanimously.

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

EMERGENCY AGENDA

Mr. V. Fernandez moved to hear the Emergency Agenda. Mr. Salvador 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, Espirito Santo Plaza, 1395 Brickell Avenue, SFBC Section 3905.5(A)

Mr. Jeffrey Yao requested of the Board to allow the omission for stairs and elevator pressurization, due to the fact that the building is completely sprinkled with two-hour separation. He informed them that the reasoning behind the City's decision to add pressurization is that in their opinion this is a high-rise mix occupancy structure.

Mr. Hevia commented that in fact the first three floors are retail.

Mr. Utterback stated that this structure was originally approved without pressurization.

Mr. V. Fernandez remarked that he walked through the building and under the South Florida Building Code the issue is whether the parking garage can be enclosed.

Mr. Horton commented that if the top floors require pressurization then the whole building must be pressurized.

Mr. John McCormick stated that the code had requirements for pressurized stairs and they have installed a quick response system. He further added that at the time of the meeting a report was given to the City for their comments.

Mr. Utterback stated that the City has the right to make additional requests after initial conference on the matter.

Mr. McCormick commented that the structure is pressurized according to the agreement that was made with the City.

Mrs. Amy Murdock, CCI stated that they have a locker room and Level II and down has open air garage and there are also four levels with natural ventilation with a four hour fire rated system near the pool area.

Mrs. Murdock stressed that there was no pressurized stairs, but there is a 2-hour separation.

Mr. Horton stated that separation makes it a different occupancy.

After much discussion, Mr. Horton moved to grant the appeal provided they make an attempt to provide a smoke guard for the first three floors. Mr. Johns seconded the motion.

Discussion on the motion:

Mr. V. Fernandez stated that he inspected the stairs and something could be done for the elevator shafts.

Mr. Kevin Carrier, (Fire) Code Compliance Specialist, stated that he also inspected the property and agrees with the Building Official in the fact that this structure is mixed occupancy.

Mr. Yao stated that the retail area is separated.

Motion carried. (Mr. V. Fernandez was opposed).

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

APPEAL #2: APPEAL OF BUILDING OFFICIAL'S DECISION: Unincorporated Miami-Dade County, Banna Strow's Kiosk, 1455 N.W. 107 Avenue, FBC Mechanical Section 507.2

Mr. Diego Sardi of Banna Strow's asked that the Board grant them the use of a ventless hood counter top crepe maker for Banna Strow's. He explained that there is a limited amount of grease used to prepare the crepes.

Mr. Harold Schoendorf with the Building Department of Unincorporated Miami-Dade County stated that there was nothing in the code to allow the use of a recirculation hood.

Mr. Quintela cited Section 922 of the International Mechanical Code that "*the code intends to regulate the design, construction and installation of cooking appliances that are designed for permanent installation.*" He further added that the code does not regulate portable appliances such as electrically heated counter-top appliances and that there is no grease or smoke coming from this device. He recommended to the Board not to require the use or the need for a kitchen hood for this application.

Upon some discussion, Mr. Johns moved to grant the appeal. Mr. Salvador seconded the motion.

Motion carried unanimously.

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

TCO/TCC APPEALS

TCO APPEAL #1: APPEAL OF BUILDING OFFICIAL'S DECISION: City of Miami Beach, Blue and Green Diamond Condominium, 4775 Collins Avenue, Permit #B9904387/BCO03158

Mr. Bob de la Fuente represented the Blue and Green Diamond Condominium for this appeal.

Mr. Kurzman moved to grant a 90-day extension for the above-mentioned permit number. Mr. Horton seconded the motion.

Motion carried unanimously.

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

TCO APPEAL #2: APPEAL OF BUILDING OFFICIAL'S DECISION: City of Miami Beach, Blue and Green Diamond Condominium, 4775 Collins Avenue, Permit #B9904387/BCO2135/BCO2136

Mr. Bob de la Fuente represented the Blue and Green Diamond Condominium for this appeal.

Mr. Kurzman moved to grant a 90-day extension for the above-mentioned permit number. Mr. Horton seconded the motion.

Motion carried unanimously.

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

Discussion: Anchor Glazing

This item was **referred** to the Building Subcommittee by the Chairperson.

Meeting adjourned at 4:08 P.M.

MINUTES OF THE BOARD OF RULES AND APPEALS MEETING ON 10-16-03

Attendance: Thomas Utterback, CH Richard Horton, VC Enrique Salvador Robert Barnes John Kurzman
Rolando Diaz Edward Woodard Capt. William Strachan Jesus M. Gomez Justin Manuel
Chief Virgilio Fernandez Arnold Velazquez Alfonso Fernandez-Fraga, P.E.

Excused: Carmen Garcia William Riley Steven L. Johns Gregory Pierce

Staff Present: Herminio Gonzalez, Secretary Stephanie Miller, Asst. County Attorney
Yvonne Bell, Recording Secretary

Court Reporter: Lorena Ramos, Metro Dade Court Reporters

Commenced at 1:20 p.m.

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

CONSENT AGENDA

APPEAL #1: TCO EXTENSION, PERMIT No. 00100163, De Rojas
APPEAL #2: TCO EXTENSION, PERMIT No. B9703348, Grimm
APPEAL #3: TCC EXTENSION, PERMIT No. 01-5023707, Milton
APPEAL #4: TCO EXTENSION, PERMIT No. 01-5023708, Milton
APPEAL #5: TCC EXTENSION, PERMIT No. 2001-0060, de le Fe
APPEAL #6: TCC EXTENSION, PERMIT No. 0000931, Grendene
APPEAL #7: TCO EXTENSION, PERMIT No. B0103751/BC03243
APPEAL #8: TCO EXTENSION, PERMIT No. B0103750/BC03229
APPEAL #9: TCO EXTENSION, PERMIT No. B0103750/BC03228
APPEAL #10: TCO EXTENSION, PERMIT No. B0103750/BC03242
APPEAL #11: TCO EXTENSION, PERMIT No. B0103750/BC03217
APPEAL #12: TCO EXTENSION, PERMIT No. 2002062813, Delgado
APPEAL #13: TCO EXTENSION, PERMIT No. 1993278779, Delgado
APPEAL #14: TCO EXTENSION, PERMIT No. Permit #02050364, Neumann
APPEAL #17: TCO EXTENSION, PERMIT No. Permit #02070115, Neumann

EMERGENCY CONSENT AGENDA

APPEAL #1: TCO EXTENSION, PERMIT No. 2002023840, Cert. No. 2003065581, Burch
APPEAL #2: TCO EXTENSION, PERMIT No. 2002023840, Cert. No. 2003065582, Burch
APPEAL #3: TCO EXTENSION, PERMIT No. 2002023841, Cert. No. 2003041402, Burch
APPEAL #4: TCO EXTENSION, PERMIT No. 2002023841, Cert. No. 2003065689, Burch

Mr. Horton moved to accept the Consent Agenda and the Emergency Agenda Items, with the **exclusion** of TCO Nos. 15 and 16 – **Village of Merrick Park**, that will be presented to the Board. Mr. Kurzman seconded the motion.

Motion carried unanimously.

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

Minutes of September 18, 2003

Mr. Utterback then requested a motion to approve the minutes for the **September 18th, 2003** meeting. Mr. Salvador moved to approve the minutes of the last meeting. Mr. Diaz 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 Aventura, 19950 West Country Club Drive, Florida Building Code and N.F.P.A., Code Means of Egress/Exit Stairs in Parking Garage

This appeal was **withdrawn** by the appellant. (Letter of 10/15/03 presented.)

EMERGENCY AGENDA

EMERGENCY TCO APPEAL #1: APPEAL OF BUILDING OFFICIAL'S DECISION: City of Coral Gables, Village of Merrick Park, 360 San Lorenzo Avenue, #1440, Permit #02080523

Mr. Utterback informed the members that Manuel Lopez, Building Official, City of Coral Gables has consented via a letter to the Board to a 30-day extension for Vespa.

Mrs. Kathy Charles, Building Code Compliance Office informed the Board that the Building Official advised the office of his consent to a 30-day extension and in lieu of his attendance submitted the letter to address the issue.

Mr. Salvador moved to grant a 30-day extension. Mr. Woodward seconded the motion.

Motion carried unanimously.

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

Consent Agenda Appeal Nos. 15 and 16, Village of Merrick Park

APPEAL #15: TCO EXTENSION, PERMIT No. Permit #03030236, Neumann

APPEAL #16: TCO EXTENSION, PERMIT No. Permit #02110055, Neumann

Mr. Herminio Gonzalez, P.E., Secretary, Board of Rules and Appeals advised the Board that the above-mentioned TCO appeals have been expired since August and requested of the Board's guidance on how to review these appeals.

Mr. Horton commented that the TCO's are there because the base building still has a TCO.

Mrs. Casey Neumann stated that the buildings are occupied and this is the first extension for those units.

Mr. Horton clarified his statement in the fact that each retailer has their own permit and they will keep returning to the Board until a CO has been obtained.

Mr. Gonzalez remarked that there was a provision to obtaining a TCO or TCC.

Mr. Velazquez asked if the shell has obtained a TCO.

Mr. Diaz stated that they would obtain a TCO for the shell, but the problem is that certain things on the shell are not completed and the Building Official is trying to work with them.

Mr. Salvador asked when the TCO expired.

Mr. Utterback remarked that the TCO has been expired since **August 19th**.

After some discussion, Mr. Salvador moved to grant 90-day extensions from the expiration date of August 19th for TCO Nos. 15 and 16, Village of Merrick Park, since the recommended 60 days would only cover a few more days. Mr. Diaz seconded the motion.

Discussion on the motion:

Mr. Gomez commented that if the TCO expires, then isn't the permit expired.

Mr. Utterback commented that the City of Coral Gables has the right to close this site.

Mr. Jose Ferras, Building Official, City of Miami stated if the TCO is extended, the building could not be condemned, as this could create a hardship.

Mr. Diaz asked could the code allow the Building Official to give a partial TCO for common areas.

Mr. Ferras responded that there were TCO limitations and added that it is very hard to take action on a building where the TCO has expired.

Motion carried unanimously.

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

At this time, Mr. Ernie de le Fe, **Consent Agenda Item No. 5**, asked to address the Board. He questioned whether or not he should have applied for a TCO rather than a TCC, since the TCO provided more time.

Members of the Board advised him that the TCC was correct, since his property is residential.

REPORT #1

Certification of Inspectors/Plans Examiners for October

Certification Subcommittee Recommendations – Certification of Building Officials, Inspectors, and Plans Examiners

The following individuals are being recommended for **approval** for **New-Certification** for 2003.

<u>INSPECTOR:</u>	<u>REPRESENTING:</u>	<u>DISCIPLINES:</u>
Alvarez, Raul H.	City of Hialeah	Building Inspector (Structural)
Annese, Salvatore D.	Village of El Portal	Building Official
Barzaga, Amador	Miami-Dade County	Plans Examiner Mechanical (Res.)
Cronin, John C.	City of Miami Beach	Chief Plumbing Inspector
Delgado de Oramas, Jose	City of North Miami	Chief Electrical Inspector
Didona, David J.	Miami-Dade County	Plans Examiner Mechanical
Evers, Charles L.	Bal Harbour Village	Building inspector (Structural)
		Roofing Inspector (Commercial)
		Roofing Inspector (Residential)
		Plans Examiner (Building)
Fernandez, Jesus	City of Homestead	Building Inspector (Structural)
Menendez, Tomas F.	City of North Miami	Electrical Inspector
		Plans Examiner (Electrical)
Perez, Jan Pierre	Village of Biscayne Park	Chief Mechanical Inspector
		Mechanical Inspector
		Plans Examiner (Mechanical)
	Village of Pinecrest	Chief Mechanical Inspector
		Mechanical Inspector
		Plans Examiner (Mechanical)
	City of Sweetwater	Chief Mechanical Inspector
		Mechanical Inspector
		Plans Examiner (Mechanical)
Peterson, Jr., Richard C.	City of Sunny Isles Beach	Building Inspector (Structural)
		Plans Examiner (Building)
Ramos, Aurelio J.	Town of Miami Lakes	Building Inspector (Structural)
		Roofing Inspector (Commercial)
		Roofing Inspector (Residential)
		Plans Examiner (Building)
Rivas, Angel R.	Town of Miami Lakes	Plans Examiner (Building)
Rodriguez, Raul V.	Town of Miami Lakes	Building Inspector (Structural)
		Building Official
		Plans Examiner (Building)
	Village of Palmetto Bay	Building Inspector (Structural)
		Building Official
		Plans Examiner (Building)
Santiago, Eugenio M.	Town of Miami Lakes	Plans Examiner (Structural)
Saymon, Burt J.	City of Homestead	Mechanical Inspector
Urgelles, Gerardo	City of Coral Gables	Chief Plumbing Inspector
Villanueva, Plinio M.	Town of Miami Lakes	Plans Examiner (Structural)
	Village of Palmetto Bay	Plans Examiner (Structural)
Whiteman, William E.	City of Sunny Isles Beach	Roofing Inspector (Commercial)
		Roofing Inspector (Residential)

Mr. Kurzman moved to grant **New Certification** for the above-mentioned individuals. Mr. Woodward seconded the motion.
Motion carried unanimously.

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

Mr. Salvador then advised the Board that the following individuals are being recommended for **rejection** for **New Certification** for 2003.

<u>INSPECTOR:</u>	<u>REPRESENTING:</u>	<u>DISCIPLINES:</u>
Alvarez, Raul H.	City of Hialeah	Roofing Inspector (Residential)

(No roofing experience is reflected on the resume. Fails to comply with 201.2(d)(3)(dd) for certification as residential roofing)

Peterson, Jr. Richard C.

City of Sunny Isles Beach

Roofing Inspector (Commercial)

Roofing Inspector (Residential)

(Does not possess the requisite experience based on his resume. Fails to comply with 201.2(c)(3)(dd) or 201.2(d)(3)(dd) for certification as either commercial or residential roofing)

Mr. Kurzman moved to **reject** Mr. Raul H. Alvarez New Certification for failure to obtain roofing experience. Mr. Diaz seconded the motion.

Motion carried unanimously.

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

Mr. Salvador then moved to reject Mr. Richard Peterson New Certification for lack of experience. Mr. Kurzman.

Motion carried unanimously.

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

Certification Subcommittee Discussion: Mr. Ronald Regula

Mr. Salvador informed the Board that Mr. Ronald Regula was approved as a Plans Examiner (Mechanical) in 2001 and obtained his license in 1993. He advised the members that Mr. Regula was qualified and worked with the County, but when he went to work for another City he was on the boarder line of the effective date of the new ordinance that required 10 years as a General Mechanical Journeyman. Therefore, the subcommittee recommends granting him certification for Plans Examiner (Mechanical) when he applies next month.

At this time, Mr. Velazquez moved to grant Mr. Regula Certification for Plans Examiner (Mechanical) when applies next month. Mr. Salvador the motion.

Motion carried unanimously.

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

REPORT #2

Electrical, Mechanical and Plumbing Subcommittee – FBC 704.2 & 704.3

Mr. Richard Horton, Chairman, Electrical, Mechanical and Plumbing Subcommittee informed the members that the subcommittee met on August 6th, 2003 to address Exit access corridors and Tenant fire separation. He stated that the new code required that the walls be rated between tenants, however, the Tenant Separation, Section 704.3.1 is the issue at hand.

Mr. Horton went on to add that they also discussed this area of concern with Mr. Harold Schoendorf, Unincorporated Miami Dade County Building Department, who agreed with their recommendation. Mr. Horton remarked that the Electrical, Mechanical and Plumbing Subcommittee recommended adding the word **shall** to provide the Building Official with their authorization in dealing with buildings that are fully sprinkled and do not need additional smoke systems.

Mr. Alfonso Fernandez-Fraga commented that frequency was also an issue.

Mr. Velazquez asked about the rigid duct.

Chief Virgil Fernandez commented that the Fire Marshall's are looking into this area of concern and stated that some sprinkler systems do fail and the concern is the emphasis on sprinklers to the extent that smoke is not properly factored.

Mr. F. Fraga remarked that the new code did not require smoke control systems on a fully sprinkled building. He added that there would only be a test to see if the windows worked.

Mr. Pete Quintela, Building Code Compliance Specialist (Mechanical), clarified the testing that Mr. Fraga was referring to and stated that the test administered would be to see if the windows are operable.

Chief Fernandez added that the systems are to work in conjunction with each other.

Mr. Horton stated that the system was designed to remove smoke.

Chief Fernandez commented that the Building Official and the Fire Marshall could address this issue in each case.

Mr. Utterback reminded the Board of legal counsel's advice that was provided last month.

Asst. County Attorney, Stephanie Miller reiterated her comments from last month and stated that the Board could not direct the Building Official in using the language *shall*, she advised them once again to use the word *may*.

Mr. Fraga drew a diagram on the chalk board for clarity to the members.

Chief Fernandez stated in fact, the word *shall* is the problem.

Mr. Fraga stated that this came about because the Plan Reviewers needed guidance.

Mr. Horton remarked that the dampers are being put in; this is why these appeals are not frequently heard by the Board.

Mr. Ferras commented that minimum separation is to have a 20 minute fire wall and the old requirement was to provide the smoke barrier.

Mr. Quintela stated that the Board should apply the language to address "existing smoke systems".

Chief V. Fernandez expressed his concerns about losing the authority to deal with these types of cases. He commented that this should be dealt with on a case-by-case basis.

Mr. Quintela commented that why make them install the dampers when it would not be used.

Mr. Salvador asked about the function of the dampers.

Mr. Kurzman responded that they drop down and shut off the smoke shaft.

After much discussion, Mr. Horton read into the record the recommendation of the Electrical, Mechanical and Plumbing Subcommittee and for the Board's interpretation to read as follows: "*On existing "B" occupancy buildings that are fully sprinkled and have existing engineered smoke control system, the Building Official may consider not adding fire dampers as it will have an adverse effect on the engineered system.*" Mr. Salvador seconded the motion.

Motion carried. (Chief Fernandez and Mr. Diaz were opposed).

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

INFORMATION

Mr. Utterback advised the Board that the November 20, 2003 hearing date of the Board of Rules and Appeals had to be either deferred to December or moved to a sooner part of the month, due to the Free Trade of the Americas that Miami-Dade County will be hosting during the week of November 17th.

After some discussion, Mr. Salvador moved to conduct the hearing on **November 13th, 2003**. Mr. V. Fernandez seconded the motion.

Motion carried unanimously.

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

Mr. Diaz, Mr. Salvador and Mr. Woodward left the room.

DISCUSSION

Board member, Arnold Velazquez requested discussion on the **Fire Alarm Supervisory Panel** issue.

Mr. Utterback suggested that this item be sent to the Electrical, Mechanical and Plumbing Subcommittee.

Meeting adjourned at 2:42 P.M.

MINUTES OF THE BOARD OF RULES AND APPEALS MEETING ON 11-13-03

Attendance: Thomas Utterback, CH Richard Horton, VC Enrique Salvador John Kurzman
Rolando Diaz Edward Woodard Jesus M. Gomez Arnold Velazquez
Carmen Garcia William Riley Alfonso Fernandez-Fraga, P.E.

Excused: Steven L. Johns Gregory Pierce Robert Barnes
Justin Manuel Capt. William Strachan Chief Virgilio "Virgil" Fernandez

Staff Present: Herminio Gonzalez, Secretary Stephanie Miller, Asst. County Attorney
Yvonne Bell, Recording Secretary

Court Reporter: Janice Aguirre, Metro Dade Court Reporters

Commenced at 1:25 p.m.

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

CONSENT AGENDA

APPEAL #1: TCO EXTENSION, PERMIT No. 02040539, Rodriguez
APPEAL #2: TCO EXTENSION, PERMIT No. B0002925, Ferretti
APPEAL #4: TCO EXTENSION, PERMIT No. 02040083, Folino
APPEAL #5: TCC EXTENSION, PERMIT No. B0203562, Miller

EMERGENCY CONSENT AGENDA

APPEAL #1: TCO EXTENSION, PERMIT No. B0303515, Armstrong
APPEAL #2: TCO EXTENSION, PERMIT No. 99080697, Ruiz
APPEAL #4: TCO EXTENSION, PERMIT No. 01080196, Creighton
APPEAL #5: TCC EXTENSION, PERMIT No. 01020324, Cytrynowicz
APPEAL #6: TCC EXTENSION, PERMIT No. 01031359, Cytrynowicz
APPEAL #7: TCC EXTENSION, PERMIT No. 01031360, Cytrynowicz
APPEAL #8: TCC EXTENSION, PERMIT No. 00110089, Cytrynowicz
APPEAL #9: TCO EXTENSION, PERMIT No. B0300873, Fine
APPEAL #10: TCC EXTENSION, PERMIT No. BCC0200349, Fine
APPEAL #11: TCO EXTENSION, PERMIT No. B01-5003324, Glasser
APPEAL #12: TCO EXTENSION, PERMIT No. 02050103, Neumann
TCO EXTENSION, PERMIT No. 02080225, Neumann
TCO EXTENSION, PERMIT No. 02080233, Neumann
TCO EXTENSION, PERMIT No. 02080398, Neumann
TCO EXTENSION, PERMIT No. 02100575, Neumann
TCO EXTENSION, PERMIT No. 02110476, Neumann
TCO EXTENSION, PERMIT No. 02050364, Neumann
TCO EXTENSION, PERMIT No. 02070018, Neumann
TCO EXTENSION, PERMIT No. 02080224, Neumann
TCO EXTENSION, PERMIT No. 02060480, Neumann
TCO EXTENSION, PERMIT No. 02080359, Neumann
TCO EXTENSION, PERMIT No. 02080362, Neumann
TCO EXTENSION, PERMIT No. 02060500, Neumann
TCO EXTENSION, PERMIT No. 03020150, Neumann
TCO EXTENSION, PERMIT No. 02070112, Neumann
TCO EXTENSION, PERMIT No. 02100541, Neumann
TCO EXTENSION, PERMIT No. 02070468, Neumann
TCO EXTENSION, PERMIT No. 02090310, Neumann
TCO EXTENSION, PERMIT No. 02070037, Neumann
TCO EXTENSION, PERMIT No. 02060542, Neumann
TCO EXTENSION, PERMIT No. 02080093, Neumann
TCO EXTENSION, PERMIT No. 02056236, Neumann
TCO EXTENSION, PERMIT No. 02070180, Neumann
TCO EXTENSION, PERMIT No. 02080077, Neumann
TCO EXTENSION, PERMIT No. 02060536, Neumann
TCO EXTENSION, PERMIT No. 02080301, Neumann
TCO EXTENSION, PERMIT No. 02070325, Neumann
TCO EXTENSION, PERMIT No. 02100529, Neumann

TCO EXTENSION, PERMIT No. 02070532, Neumann
TCO EXTENSION, PERMIT No. 02088119, Neumann
TCO EXTENSION, PERMIT No. 02050466, Neumann
TCO EXTENSION, PERMIT No. 0303236, Neumann
TCO EXTENSION, PERMIT No. 02080096, Neumann
TCO EXTENSION, PERMIT No. 02070191, Neumann
TCO EXTENSION, PERMIT No. 02050202, Neumann
TCO EXTENSION, PERMIT No. 02050276, Neumann
TCO EXTENSION, PERMIT No. 02060444, Neumann
TCO EXTENSION, PERMIT No. 02080118, Neumann
TCO EXTENSION, PERMIT No. 02070490, Neumann
TCO EXTENSION, PERMIT No. 02080396, Neumann
TCO EXTENSION, PERMIT No. 02070492, Neumann
TCO EXTENSION, PERMIT No. 02090236, Neumann
TCO EXTENSION, PERMIT No. 02070603, Neumann
TCO EXTENSION, PERMIT No. 02080540, Neumann
TCO EXTENSION, PERMIT No. 02080539, Neumann
TCO EXTENSION, PERMIT No. 02070489, Neumann
TCO EXTENSION, PERMIT No. 02070602, Neumann
TCO EXTENSION, PERMIT No. 02060490, Neumann
TCO EXTENSION, PERMIT No. 02070608, Neumann
TCO EXTENSION, PERMIT No. 02070493, Neumann
TCO EXTENSION, PERMIT No. 02070491, Neumann
TCO EXTENSION, PERMIT No. 02100579, Neumann
TCO EXTENSION, PERMIT No. 02070148, Neumann
TCO EXTENSION, PERMIT No. 02110296, Neumann
TCO EXTENSION, PERMIT No. 02060361, Neumann
TCO EXTENSION, PERMIT No. 02110346, Neumann
TCO EXTENSION, PERMIT No. 02070095, Neumann
TCO EXTENSION, PERMIT No. 02080622, Neumann
TCO EXTENSION, PERMIT No. 02080542, Neumann
TCO EXTENSION, PERMIT No. 02070115, Neumann
TCO EXTENSION, PERMIT No. 02080678, Neumann
TCO EXTENSION, PERMIT No. 02080348, Neumann
TCO EXTENSION, PERMIT No. 0206178, Neumann
TCO EXTENSION, PERMIT No. 02080543, Neumann
TCO EXTENSION, PERMIT No. 03010134, Neumann
TCO EXTENSION, PERMIT No. 02070624, Neumann
TCO EXTENSION, PERMIT No. 02080201, Neumann
TCO EXTENSION, PERMIT No. 0207634, Neumann
TCO EXTENSION, PERMIT No. 02110425, Neumann
TCO EXTENSION, PERMIT No. 02080097, Neumann
TCO EXTENSION, PERMIT No. 02080523, Neumann
TCO EXTENSION, PERMIT No. 02080132, Neumann
TCO EXTENSION, PERMIT No. 02080537, Neumann
TCO EXTENSION, PERMIT No. 02080354, Neumann
TCO EXTENSION, PERMIT No. 02110055, Neumann
TCO EXTENSION, PERMIT No. 02070541, Neumann
TCO EXTENSION, PERMIT No. 02110105, Neumann
TCO EXTENSION, PERMIT No. 02080229, Neumann
TCO EXTENSION, PERMIT No. 02080461, Neumann
TCO EXTENSION, PERMIT No. 03010197, Neumann
TCO EXTENSION, PERMIT No. 02080139, Neumann
TCO EXTENSION, PERMIT No. 02070411, Neumann
TCO EXTENSION, PERMIT No. 02080225, Neumann
TCO EXTENSION, PERMIT No. 02070124, Neumann
TCO EXTENSION, PERMIT No. 03050334, Neumann
TCO EXTENSION, PERMIT No. 02050282, Neumann
TCO EXTENSION, PERMIT No. 02110241, Neumann
TCO EXTENSION, PERMIT No. 02100069, Neumann
TCO EXTENSION, PERMIT No. 03020054, Neumann

TCO EXTENSION, PERMIT No. 03010272, Neumann
TCO EXTENSION, PERMIT No. 0202110074, Neumann
TCO EXTENSION, PERMIT No. 02050516, Neumann
TCO EXTENSION, PERMIT No. 02067057, Neumann
TCO EXTENSION, PERMIT No. 02080400, Neumann
TCO EXTENSION, PERMIT No. 02080122, Neumann
TCO EXTENSION, PERMIT No. 02090065, Neumann
TCO EXTENSION, PERMIT No. 02080685, Neumann
TCO EXTENSION, PERMIT No. 02080598, Neumann
TCO EXTENSION, PERMIT No. 02080599, Neumann
TCO EXTENSION, PERMIT No. 02080600, Neumann

APPEAL #3: TCC EXTENSION, PERMIT No. 01-5023707, Milton
ECA APPEAL #3: TCO EXTENSION, PERMIT No. 2002023841, Cert. No. 2003041402, Burch

Mr. Kurzman moved to accept the Consent Agenda and the Emergency Agenda Items, with the **exclusion of Regular Consent Agenda TCO Item No. 3 – The Abbey Hotel and Emergency Consent Agenda TCO Item No. 3 – Mater Academy Charter School** that will be presented to the Board. Mr. Diaz seconded the motion.

Motion carried unanimously.

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

At this time, Mr. Utterback informed the members and the audience that the meeting proceedings are being video and audio taped.

Mr. Utterback explained to the Board that

Minutes of October 16, 2003

Mr. Utterback then requested a motion to approve the minutes for the **October 16th, 2003** meeting. Mr. Kurzman moved to approve the minutes of the last meeting. Mr. Salvador 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 Beach, 48 East Rivo Alto Drive, ACI 318 Section 63, Reinforced Concrete/Pool Piping

APPEAL #2: APPEAL OF BUILDING OFFICIAL'S DECISION: City of Miami Beach, 120, 126, 130 Ocean Drive, Section 304.3(f) of the South Florida Building Code, Building Permit

APPEAL #3: APPEAL OF BUILDING OFFICIAL'S DECISION: City of Coral Gables, Tri-Vest Investments, 2515 DeSoto Boulevard, Section 304.3(f) of the South Florida Building Code, Providing Necessary Workers on Site

TCO/TCC APPEALS

APPEAL #1: TCO EXTENSION, PERMIT NO. 9904387, City of Miami Beach, Blue and Green Diamond Condominium, 4775 Collins Avenue

Mr. Bob de la Fuente was present on behalf of the Blue and Green Diamond Condominium.

Mr. Gomez moved to grant the extension and Mr. Salvador seconded the motion.

Motion carried unanimously.

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

APPEAL #2: TCC EXTENSION, PERMIT NO. B0001107/BC0000289, City of Miami Beach, The Grand Flamingo, 1500 Bay Road, Pool and Lower Deck

APPEAL #3: TCC EXTENSION, PERMIT NO. B0001107/BCC0200350, City of Miami Beach, The Grand Flamingo, 1500 Bay Road, South Tower, Upper and Lower Deck

APPEAL #4: TCC EXTENSION, PERMIT NO. B0001111/BCO03052, City of Miami Beach, The Grand Flamingo, 1500 Bay Road, Main Tower & Mid-rise Floors 4-16

APPEAL #5: TCC EXTENSION, PERMIT NO. B0001111/BCO03218, City of Miami Beach, The Grand Flamingo, 1500 Bay Road, TCO Leasing Office

APPEAL #6: TCC EXTENSION, PERMIT NO. B0001111/BCO0329, City of Miami Beach, The Grand Flamingo, 1500 Bay Road, TCO for Units 211, 2301, 2511 & 2604

APPEAL #7: TCC EXTENSION, PERMIT NO. B0001111/BCO03258, City of Miami Beach, The Grand Flamingo, 1500 Bay Road, TCO for Units

Mr. Randy Bookbinder was present on behalf of The Grand Flamingo.

Mr. Salvador then moved to grant the TCO extensions for The Grand Flamingo according to the Building Official's recommendations.

Mr. Kurzman seconded the motion.

Motion carried unanimously.

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

REPORT #1

Certification of Inspectors/Plans Examiners for November

Certification Subcommittee Recommendations – Certification of Building Officials, Inspectors, and Plans Examiners

The following individuals are being recommended for **approval** for **New-Certification** for 2003.

<u>INSPECTOR:</u>	<u>REPRESENTING:</u>	<u>DISCIPLINES:</u>
Annese, Salvatore D.	City of Miami Springs	Building Official
Blanco, Orlando L.	Town of Miami Lakes	Building Inspector (Structural)
	Village of Palmetto Bay	Plans Examiner (Building)
		Building Inspector (Structural)
		Plans Examiner (Building)
Fernandez, Mariano V.	City of Aventura	Plans Examiner (Building)
	City of South Miami	Plans Examiner (Structural)
		Plans Examiner (Building)
		Plans Examiner (Structural)
Hernandez, Rafael	City of Miami	Plans Examiner (Plumbing)
Knezevich, John W.	Town of Miami Lakes	Building Inspector (Structural)
		Plans Examiner (Building)
		Plans Examiner (Structural)
	Village of Palmetto Bay	Building Inspector (Structural)
		Plans Examiner (Building)
		Plans Examiner (Structural)
Leverock, James J.	Village of Biscayne Park	Chief Plumbing Inspector
Mierisch, Edwin	Miami-Dade County	Mechanical Inspector
Naumann, Carlos A.	Town of Miami Lakes	Plans Examiner (Structural)
	Village of Palmetto Bay	Plans Examiner (Structural)
	Village of Pinecrest	Plans Examiner Plumbing
Ogden, Michael T.		Plumbing Inspector

Perez, Freddy E.	City of Coral Gables	Plumbing Inspector
Regula, Ronald	City of Coral Gables	Plans Examiner (Mechanical)
	Village of Palmetto Bay	Plans Examiner (Mechanical)
Sanchez, Ignacio E.	Village of Palmetto Bay	Building Inspector (Structural)
		Roofing Inspector (Commercial)
		Roofing Inspector (Residential)
		Plans Examiner (Building)
Vargas, Angel L.	Indian Creek Village	Building Inspector (Structural)
		Roofing Inspector (Commercial)
		Roofing Inspector (Residential)
		Plans Examiner (Building)

Mr. Salvador moved to grant **New Certification** for the above-mentioned individuals. Mr. Diaz seconded the motion.

Motion carried unanimously.

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

Mr. Salvador then moved to **certify** Mr. Richard Annese until December 10, 2003. Mr. Velazquez seconded the motion.

Motion carried unanimously.

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

Mr. Salvador then announced that Mr. Gabriel Arango is **rejected** for no license in the State of Florida as per The South Florida Building Code, Chapter 45, adopted and extended by Miami-Dade County Ordinance 01-112. Therefore, Mr. Salvador moved to reject Mr. Arango according to these qualifications.

Mr. Salvador stated that Orlando Blanco was caught up in the exam dates from 1985-1988, of which the code changed in 1985 and he must comply with Chapter 8, Code of Miami-Dade County, Section 201.2(a)(4), as adopted by Miami-Dade County Ordinance 01-225, shall be a professional engineer who has obtained such license by examination under the structural discipline and who has practiced as a structural engineer within the jurisdiction of this Code for a period of 5 years.

He stated that the Civil or Structural exams and municipalities have been experiencing problems due to this language

Mr. Horton asked Mr. Charles Danger, Building Official for Unincorporated Miami-Dade County, what is it that he needed to hire inspectors in his municipality.

Mr. Danger responded that the Board needed to prepare an opinion for them to hire structural plans examiners

Mr. Diaz commented that it would be the same ruling as Muhammad Partovi of the City of Miami Beach.

Mr. Salvador stated that the fall exam of March 1st 1993 would suffice.

Mr. Orlando Blanco introduced a letter as public record.

Mr. Diaz further commented that prior to 1993 there was the Structural and Civil exams.

Mr. Blanco read excerpts of a letter into the records

Mr. Velazquez stressed that the experience has to be under the South Florida Building Code with five (5) years under the code.

Mr. Salvador then recommended that Mr. Eliezer Palacio, who has an Associates of Science degree be allowed to use these credits.

Mr. Velazquez remarked that Mr. Palacio is already certified by the State.

Mr. Goolsby referenced Chapter 2 – Section 1 and read it into the records.

Mr. Salvador asked when they use the university credits.

Mr. Goolsby answered “

After some discussion, Mr. Salvador moved to deny Mr. Palacio. Mr. Velazquez seconded the motion.

Discussion on the motion:

Mr. Raul Rodriguez, Building Official for Palmetto Bay and Miami Lakes stated that the City would like the board to take into consideration Mr. Palacio's experience in the construction field.

Mr. Goolsby stated that it was not Mr. Palacio's qualification; it is that he does not hold the license.

Mr. Ralph _____ - Asst. City Manager commented that they re-visited the applications on file and Mr. Palacio was hired through the agency.

Mr. Salvador mentioned that they do not need a full time Building Official, just someone on the payroll.

Discussion: Charles Danger, Building Official, Unincorporated Miami-Dade County

Mr. Danger stated that

Meeting adjourned at 2:42 P.M.

MINUTES OF THE BOARD OF RULES AND APPEALS MEETING ON 12-18-03

Attendance: Thomas Utterback, CH Richard Horton, VC Enrique Salvador John Kurzman
Rolando Diaz Edward Woodard Carmen Garcia William Riley
Gregory Pierce Justin Manuel Chief Virgilio "Virgil" Fernandez

Excused: Steven L. Johns Robert Barnes Capt. William Strachan
Jesus M. Gomez Arnold Velazquez Alfonso Fernandez-Fraga, P.E.

Staff Present: Theodore Berman, Secretary Stephanie Miller, Asst. County Attorney
Yvonne Bell, Recording Secretary

Court Reporter: Lorena Ramos, Metro Dade Court Reporters

Commenced at 1:20 p.m.

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

CONSENT AGENDA

APPEAL #1: TCO EXTENSION, PERMIT No. 01060053, Gearhard
APPEAL #2: TCC EXTENSION, PERMIT No. B0002925, Ferretti
APPEAL #3: TCO EXTENSION, PERMIT No. 00-5019700, Chakas
APPEAL #4: TCO EXTENSION, PERMIT No. B0100654, Upegui
APPEAL #5: TCO EXTENSION, PERMIT No. 00100163, De Rojas
APPEAL #6: TCO EXTENSION, PERMIT No. 2002-059026, Bergquist
APPEAL #7: TCO EXTENSION, PERMIT No. 01031165, Longone
APPEAL #8: TCO EXTENSION, PERMIT No. 1995-049753, Mainster

EMERGENCY CONSENT AGENDA

APPEAL #1: TCO EXTENSION, PERMIT No. B0302049, Randazzo

Mr. Diaz left the room.

Mr. Utterback informed the members that **671 Biltmore Way, Permit #99090011** is being added to the Consent Agenda.

At this time, Mr. Salvador moved to grant the Consent Agenda, Emergency Agenda, as well as, the added item. Mr. Pierce seconded the motion.

Motion carried unanimously

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

Minutes of November 13, 2003

Mr. Utterback then requested a motion to approve the minutes for the **November 13th, 2003** meeting. Mr. Woodward moved to approve the minutes of the last meeting. Mr. Salvador 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 North Bay Village, 7520 W. Treasure Drive, Revocation of Permit

Mr. Oscar Alfonso stated that the Building Official sent him a letter on October 22, 2003 requiring a schedule of activity, which he did not understand but complied as best to the request. He added that he then received an additional letter stating the structure was unsafe and it was at this time that he contacted an attorney.

The Building Official for the City of North Bay Village was not present at the meeting.

Mr. Horton asked Mr. Alfonso was the permit renewed.

Mr. Alfonso answered that this was an owner/builder permit that has been given and taken away on numerous occasions. He went into detail that this was a flat roof that leaks and he is in the process making repairs.

Mr. Pierce asked if the sub-contractors obtained permits.

Mr. Alfonso answered that they worked under his permit.

After some discussion, Mr. Horton moved to grant the appeal, reversing the decision of the Building Official and reinstating the permit. Mr. Salvador 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, 2351 S.W. 21 Street, Revocation of Permit

Property owner, Jacqueline Martinez explained to the Board through personal hardships her permit expired and she was seeking an extension from them. She added that they have invested a tremendous amount of money to this property and would like to continue with the repairs.

Mr. Jose Ferras, Building Official, City of Miami, stated that the building permit is old and they did renovations to an addition putting in new columns and ripping the floor out. Mr. Ferras informed the Board that this structure was near a City Commissioner's home and the construction process has been slow. He further added that they have extended the permit once and he informed them not to let the permit expire, which they did. It was at this time that they suspended the permit and gave them 45 days to comply.

Mr. Diaz asked the owner whether they could work on a continuous basis.

Mr. Joe Hernandez replied that there have been some financial hardships and this prompted the delays. However indicated that they are ready to commence repairs of which would be completed within six months.

After some discussion, Mr. Diaz moved to reverse the decision of the Building Official and reinstate the permit. Mr. Pierce 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. B0001111, City of Miami Beach, The Grand Flamingo, 1500 Bay Road, Tower Units (57)

APPEAL #2: TCC EXTENSION, PERMIT NO. B0001114, City of Miami Beach, The Grand Flamingo, 1500 Bay Road, 2nd to 15th Floor & 12 Lanai Units

APPEAL #3: TCC EXTENSION, PERMIT NO. B0001111/BCO03275, City of Miami Beach, The Grand Flamingo, 1500 Bay Road, Tower Units (62)

APPEAL #4: TCC EXTENSION, PERMIT NO. B0001112, City of Miami Beach, The Grand Flamingo, 1500 Bay Road, Grd. Mezz, 2-5 Floor

Mr. Randy Bookbinder was present on behalf of The Grand Flamingo and informed the members that this project is going to be completed within the next three months.

Mr. Salvador then moved to grant the TCO extensions for The Grand Flamingo according to the Building Official's recommendations. Mr. Kurzman seconded the motion.

Motion carried unanimously.

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

APPEAL #5: TCO EXTENSION, PERMIT NO. B8800095, City of Miami Beach, Sunset Harbour North Condominium, 1900 Sunset Harbour Drive

Mr. Mario Garcia informed the Board that repairs are still undergoing and they are six months away from completion.

Mr. Salvador moved to grant the TCO extension for Sunset Harbour North Condominium. Mr. Woodward seconded the motion.

Motion carried unanimously.

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

INTERPRETATION

Mr. Kevin Carrier, Code Compliance Specialist (Fire), stated that the issue was is there a requirement for secondary exists, with regard to one and two-family (R3) occupancies on a second or higher level that exceeds 2000 square feet. He informed the members that the means of escape is the issue.

Mr. Horton remarked that if a means of escape is provided then this could be used as an equal alternate.

Mr. Carrier answered that the 2000 square feet requirement was in the new code and proceeded to read State Statute 553.73 into the record. He added that the Florida Building Code was silent on this issue.

Mr. Utterback commented that the code was clear.

After some discussion, Mr. Horton moved to interpret that the code is clear regarding means of egress and regardless of the size of the upper floor, a second means of egress is not required. Mr. Diaz seconded the motion.

Motion carried unanimously.

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

PRODUCT APPROVAL APPEAL

Per the appellant's request, this appeal was deferred to the January 15, 2004 meeting.

REPORT #1

Certification of Inspectors/Plans Examiners for December

Certification Subcommittee Recommendations – Certification of Building Officials, Inspectors, and Plans Examiners

The following individuals are being recommended for **approval** for **New-Certification** for 2003.

<u>INSPECTOR:</u>	<u>REPRESENTING:</u>	<u>DISCIPLINES:</u>
Alvarez, Raul H. Barrios, Ardiel	City of Hialeah City of Hialeah Gardens	Roofing Inspector (Residential) Roofing Inspector (Commercial) Roofing Inspector (Residential)
Cobo, Jose	City of Sunny Isles Beach	Mechanical Inspector Plans Examiner Mechanical
Fraley, Jimmy L.	City of Homestead	Building Inspector (Structural) Roofing Inspector (Residential) Plumbing Inspector
George, Earl J. Hall, John T.	City of Miami Beach City of Hialeah	Plumbing Inspector Electrical Inspector Plans Examiner Electrical
Hernandez, Robert	City of Miami Beach	Plans Examiner Plumbing Plumbing Inspector
Khabari, Houshang Lage, Eugenio J. Rojas, Edward A.	Miami-Dade County City of Coral Gables City of Hialeah	Building Inspector (Structural) Building Inspector (Structural) Building Inspector (Structural)
Sprovero, Michael	City of South Miami	Roofing Inspector (Commercial) Roofing Inspector (Residential) Plans Examiner Building

Mr. Salvador moved to grant **New Certification** for the above-mentioned individuals. Mr. Woodward seconded the motion.

Motion carried unanimously.

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

Mr. Salvador then announced that the following individuals were being recommended for **rejection** for **New Certification** for 2003.

<u>INSPECTOR:</u>	<u>REPRESENTING:</u>	<u>DISCIPLINES:</u>
Lage, Eugenio J.	City of Coral Gables	Plans Examiner Building Plans Examiner Structural

(Must comply with Chapter 8, Code of Miami-Dade County, Section 201.2(a)(4), as adopted by Miami-Dade County Ordinance 01-225, shall be a professional engineer who has obtained such license by examination under the structural discipline and who has practiced as a structural engineer within the jurisdiction of this Code for a period of 5 years.) (Must comply with Chapter 8, Code of Miami-Dade County, Section 201.2(4)(b), as adopted by Miami-Dade County Ordinance 01-225. Required 5 years experience in supervisory capacity as a Certified General Contractor.)

Mr. Salvador recommended that Mr. Eugenio Lage be rejected for New Certification for 2003.

Mr. Virgil Fernandez moved to deny Mr. Lage New Certification for 2003. Mr. Horton seconded the motion.

Motion carried unanimously.

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

Mr. Salvador then informed the members that Mr. Armando Trelles was being rejected for New Certification for 2003.

Trelles, Armando J.

City of Sweetwater

Mechanical Inspector

Plans Examiner Mechanical

(Must obtain a Mechanical License to be a Plans Examiner)

(Must obtain a Provisional Building Inspector License from the Department of Business and Professional Regulations)

Mr. Virgil Fernandez moved to deny Mr. Trelles New Certification for 2003. Mr. Woodward seconded the motion.

Motion carried unanimously.

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

Mr. Salvador informed the Board that Mr. Annese was being recommended until December 10, 2003. Mr. Velazquez seconded the motion.

Motion carried unanimously.

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

Mr. Salvador then brought to the Board's attention the end of the year status of New Certifications and commended the Building Code Compliance Office for doing a great job. He further brought to their attention the revised Miami Dade County Board of Rules and Appeals, Building Official, Plans Examiner and Inspector Application Instructions.

Mr. Salvador then moved to accept the revised BORA inspector certification application forms and Mr. Virgil Fernandez seconded the motion.

Motion carried unanimously.

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

Additionally, Mr. Salvador informed the Board that Mr. Jose Ferras, Building Official for the City of Miami was awarded Building Official of the year for 2003. He moved that Mr. Ferras be given an award on behalf of the Building Code Compliance Office for his outstanding work. Mr. Horton seconded the motion.

Motion carried unanimously.

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

Mr. Goolsby informed the members that next month they would be taking their photographs as a member of the Board of Rules and Appeals.

REPORT #2

Samari Lakes Progress Report

Representative on behalf of Samari Lakes was not present to deliver the report to the Board.

INFORMATION

Mr. Utterback brought to the Board's attention the dates for 2004.

Meeting adjourned at 2:10 P.M.