

CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS

There was a meeting of the Indian River County (IRC) Construction Board of Adjustment and Appeals (CBAA) on Tuesday, March 26, 2013 at 12:17 p.m. in of the County Administration Building, 1800 27th Street, Building "B", Room B1-501, Vero Beach, Florida.

Present were members: Peter Robinson, Division 1 Contractor Appointee; Duane Weise, Code Administrator Appointee; Bryant Jenks, Engineer Appointee; Michael Lue, Plans Examiner Appointee; and Gayle Lafferty, Member General Public Appointee.

Absent were Donald McCall, Sr., Electrical Contractor Appointee and Reverend Hugh King, Member General Public Appointee.

Also present was IRC staff: William DeBaal, IRC Deputy County Attorney; Bob Keating, IRC Community Development Director; Jose Guanch, IRC Building Official; Lieutenant John Duran, IRC Fire Inspector, IRC Emergency Services; and Reta Smith, Recording Secretary.

Call to Order

Attorney William DeBaal, IRC Deputy County Attorney called the meeting to order.

Election of Chair and Vice-Chair

Attorney DeBaal opened the floor for nominations for Chairman.

ON MOTION BY Mr. Weise, SECONDED BY Mr. Jenks, the members voted unanimously (5-0) to elect Mr. Peter Robinson as Chairman of the Construction Board of Adjustment and Appeals for 2013.

Chairman Robinson opened the floor for nominations for Vice-Chairman.

ON MOTION BY Mr. Lue, SECONDED BY Mr. Weise, the members voted unanimously (5-0) to elect Mr. Bryant Jenks as Vice-Chairman of the Construction Board of Adjustment and Appeals for 2013.

Approval of Minutes of December 14, 2011

ON MOTION BY Ms. Lafferty, SECONDED BY Mr. Weise, the members voted unanimously (5-0) to approve the minutes of December 14, 2011 as presented.

Appeal of Notice of Violation at 6640 Old Dixie Highway

Mr. Ken Miller, Finance/Business Manager, North County Charter School, 6640 Old Dixie Highway, Vero Beach, explained the IRC Health Inspector noticed he had installed a two-burner electric range top in the counter at the school cafeteria, and told him it was not permitted.

Mr. Miller stated Lieutenant John Duran, Fire Inspector, IRC Emergency Services, visited the premises at a later date and confirmed a violation of County Code 4.1.1.

Mr. Miller referred to his letter dated January 8, 2013, contained in the backup, maintaining the violation did not apply to the situation at the school because it addressed emitting grease-laden vapors or smoke, and the only thing the burner was used for was to boil water to prepare spaghetti and macaroni for the students. He explained the line for the burner was a separate line unto itself and had its own circuit breaker and he did not understand why it would not be allowed.

Mr. Miller advised he had obtained estimates and it would cost almost \$11,000, not counting the electrician's charge for wiring, to put a range hood in to take steam off the pasta pot. He submitted into evidence two photographs, and observed photo #2 was of the cafeteria in the IRC Administration building and there was no range hood or fire suppression system, even though they were running the same type of operation as the school.

Mr. Jose Guanch, IRC Building Official, pointed out there was no range in the IRC cafeteria.

Mr. Miller continued photo #1 was taken at the Panera Bread restaurant and depicted three Panini presses to steam cook or grill sandwiches, and noted there was no range hood or fire suppression system. He stated almost all the churches in the County did the same thing he did, and advised everything that came into the school cafeteria was prepared food that simply required warming, with the exception of the pot in which water was heated for pasta. Mr. Miller maintained the IRC Health Department had a vendetta against the school and he did not see why it should be treated any different than any other entity that was doing the same thing.

Mr. Jenks asked if the appliance was built into the counter or if it was something that could be plugged in and moved. Mr. Miller responded he had cut the counter top out and it was a drop-in counter-top burner that could either be plugged in or disabled by tripping the circuit breaker. He added there were two five-ton air conditioning units in the 1,100 square foot cafeteria along with a sprinkler system.

Mr. Guanch gave a PowerPoint presentation, a copy of which is on file in the IRC Commission office, and related a Type 1 hood had to be installed over any cooking appliance being used for commercial purposes. He concluded the school had installed a hot-top range with no hood and electrical installation to the range without a permit and in violation of the Florida Building Code.

Discussion followed.

Lieutenant Duran agreed with Mr. Guanch regarding the violation.

ON MOTION BY Mr. Jenks, SECONDED BY Ms. Lafferty, the members voted unanimously (5-0) to find that the IRC Building Department interpreted the Florida Building Code correctly and applied it correctly.

ON MOTION BY Mr. Weise, SECONDED BY Mr. Jenks, the members voted unanimously (5-0) to adjourn the meeting at 12:55 p.m.