October 12, 2005

The regular meeting of the Santa Rosa County Building Code Board of Adjustments and Appeals was held September 14, 2005, at 3:00 p.m. in the conference room of the Santa Rosa County Building Inspection Department located at 6051 Old Bagdad Highway, Milton, FL 32583. Board members present were Mr. Danny Holt, Vice Chairman; Mr. Charles "Pete" Southerland, Mr. William J. Blackman and Mr. James "Larry" Hall.

Building Inspection Department staff in attendance was Mrs. Rhonda Royals, Deputy Building Official; Mr. Skip Tompkins, Compliance Division Superintendent; Mr. Randy Jones, Compliance Investigator and Mrs. Robyn Leverton, Office Assistant.

Mr. Tom Dannheisser, County Attorney, was not present for the meeting.

Mr. Danny Holt, Vice Chairman, called the meeting to order at 3:00 p.m.

Approval of Agenda:

There was an amendment to the agenda. Open Forum was added (item #7); Mr. Keith Tucker wanted to address the Board. Mr. Blackman made a motion to accept the amended agenda. Mr. Southerland seconded the motion. The motion carried with a unanimous vote.

Approval of Minutes:

Mr. Southerland made a motion to approve the minutes from the September 14, 2005 meeting. Mr. Blackman seconded the motion. The motion carried with a unanimous vote.

Next Meeting:

The next regularly scheduled meeting is Wednesday, November 9, 2005, at 3:00 p.m. in the Building Inspection Department Conference Room.

Old Business (Probable Cause)

John & Theresa Shoemaker vs. Steven Brett Currence d/b/a Dolphin Custom Homes

Rhonda Royals introduced the case; we are revisiting this case to receive an update on the progress of the contractor's work. Randy Jones provided the update; he said the case has been up before the Board several times, this being the 3rd time, due to slow to no progress by the contractor. The first time this case came before the Board, Mr. Currence committed to a 90-day completion on the house. It looks like he is on schedule. A recent inspection confirmed that the roof is complete, the sheetrock is in the house, the cabinets are installed, most of the painting is complete, approximately 90 % of the interior trim is installed, and the washout in the back, around the porch area, has been repaired. Randy Jones recommended that the case be tabled again for another update at the next meeting.

Mr. Southerland made a motion to table the case until the next meeting. Mr. Blackman seconded the motion. The motion passed with a unanimous decision.

Old Business (Probable Cause)

Steve & Kathy Jones vs. Joel Thompson d/b/a Sea Side Building Services

Rhonda Royals introduced the case; this is another case that we are revisiting to receive an update on the progress of the contractor's work. Randy Jones gave an update…this is a case regarding a metal roof that was started in Feb '05. At that time there was no permit on the job and the contractor was using an unapproved product. Since then the product has been approved, a permit has been issued and a final inspection has been completed and passed; however, there is a leak in the garage area and Mr. Steve Jones has been unable to get anyone from Sea Side to return his calls. Randy said that he was able to speak to David Bender who is the Certified Building Contractor for Sea Side; he wanted to ensure that one of the license holders was aware of the difficulties with the project.

Mr. Steve Jones was not at the meeting in order to state the current issues that he was facing involving the roof.

Randy Jones read a fax, received just prior to the meeting, from Mr. Fowler with Sea Side. The fax gave an explanation as to why Mr. Fowler couldn't attend the meeting and included a list of recently passed roofing inspections along with a list of remaining clients that have yet to provide NOC's. Randy explained that at the last meeting, mention was made that Sea Side had pulled 32 permits since "Ivan", 4 of which had passed final inspections. Prior to this meeting Mr. Jones researched Sea Side's permits and found approximately 10 permits have been finaled in the last 30 day period, leaving 18 permits that still require a final inspection.

Mr. Blackman made a motion to table the case until the next meeting. Mr. Southerland seconded the motion. The motion passed with a unanimous decision.

Old Business (Probable Cause)

Jo Sizemore VS Steven Smith d/b/a Integrity Contractors

Rhonda Royals introduced the case. Randy Jones reviewed the case with the Board. He explained that there are possibly two issues regarding this case 1) aiding and abating (unlicensed contracting), and 2) working w/o permits. There is a side criminal case pending (with State's Attorney) against another name mentioned in the complaint (Mr. Wichtendahl).

Randy Jones continued, a roof was contracted for repair/replacement in December 2004 by Integrity Contractors; Integrity did obtain a permit for the roof replacement and this was acknowledged by Mr. Smith. There was more work done on the house, considerable truss repair and an addition (looked like a porch) put on the back. The truss repair and addition work required permits. When this additional work came to light, it took approximately a week and a half to get Mr. Smith to meet him at the jobsite. Mr. Smith seemed shocked at the scope of work that had been completed beyond the roof permit.

Since Mr. Wichtendahl was in charge of re-roofing the house, there is also the issue of whether Mr. Wichtendahl was an employee or whether Mr. Smith subcontracted the roof to him. Toward the end of the BOAA meeting in September '05, Mr. Smith made the comment that Alan (Wichtendahl) contracted for the roof and he (Mr. Smith) pulled the permit. That would indicate a subcontracting situation. Mr. Smith is here today to supply payroll records to prove that Mr. Wichtendahl was an

employee at the time the permit was pulled, not a subcontractor. Discussion ensued between Board members and Randy Jones.

Mr. Jack Locklin addressed the Board; he came to the meeting as legal representation for Mr. Steven Smith. Mr. Smith also attended and approached the podium with Mr. Locklin. Per Mr. Locklin, they have records available regarding Mr. Wichtendahl's employment. Mr. Wichtendahl was employed by Integrity through a leasing company. He presented a letter from the leasing co. that outlined the employment of Mr. Wichtendahl from November '04-April '05 and a payroll register for three separate weeks confirming that he was an employee.

Mr. Smith addressed the Board in regards to his past work history with Mr. Wichtendahl and his personal and business situations immediately following the hurricane. He feels that since he was so busy with personal issues and new business opportunities that he'd taken on, some issues may have fallen through the cracks. He does take responsibility for anything that has his name on it and he repaired the roof belonging to Ms. Rayburn. He did not pull a permit for the additional work that was taking place on her property. This work was contracted and being done by Alan Wichtendahl d/b/a DBA Contractors, Inc. Mr. Smith stated that he received no funds for the work that took place on the Rayburn's (Sizemore) property. Even the money for the roof was paid to DBA Contractors, Inc.

Ms. Rayburn was present; she said that the roof has been redone and she is currently satisfied with the roof. The Board asked questions and a discussion ensued. Ms Rayburn stated that she has a criminal case against Mr. Wichtendahl d/b/a DBA Contractors, Inc. She stated that the checks that she made out for work completed were made out to DBA Contractors and she doesn't understand the working relationship between DBA & Steven Smith.

The Board questioned Randy Jones again. Randy stated that several things troubled him regarding information presented. Steve Smith always, from the start, admitted that the roof was his responsibility and that Wichtendahl was his employee. Alan (Wichtendahl) was on an Authorization list, provided by Steven Smith, allowing him to pull permits for Mr. Smith. In theory he could have contracted with somebody, pulled the permit and Mr. Smith would not have known. The permit application was signed, with Mr. Smith's name and approval, by Michele, Mr. Smith's Office Manager, which, it seems, is an issue that Mr. Smith doesn't have a problem with. There could however be a problem with the statement that Alan contracted for the job. Randy says he doesn't believe it matters whether the permit was issued to Steve or not, if Alan wrote the contract and Alan got paid, that is unlicensed contracting. The question then becomes, was Steve involved?

Mr. Southerland made a motion to dismiss the case due to lack of evidence or intent on Mr. Smith's part. Mr. Hall seconded the motion. The motion passed with a unanimous decision.

Mr. Danny Holt, Vice Chairman, called a recess at 3:50 p.m.; meeting was called back to order at 3:58 p.m.

Old Business (Probable Cause)

Steve & Kathy Jones vs. Joel Thompson d/b/a Sea Side Building Services

Revisiting this case, item 5.b. on the agenda; Mr. Steve Jones arrived and asked if he could speak. Mr. Steve Jones stated that Sea Side Building finished the roof; there was a final inspection that passed. At the last heavy rain that we received, he had 6" of water inside the garage. He wasn't able to get into the attic due to other obligations, so had no way of knowing where the leak was located. Sea Side has been contacted, but no one has returned calls. Sea Side's subcontractor, that completed the work requested by the Building Department, has called several times for payment. It seems that contractor hasn't been paid by Sea Side and is looking to the homeowner for the money.

Randy Jones addressed the Board stating for the Board's information when the inspection was done, it was turned down once. That roof is an "R" panel that was lapped incorrectly; the underlap was on the top. That was corrected and Building Inspector, Bill Tucker, passed the inspection. We do not know why it is leaking. He was under the assumption that this leaking was taken care of.

The Board notified Mr. Steve Jones that the case has been tabled for the next meeting.

New Business (Appeal of Building Officials's Interpretation of Code)

Kevin M Case d/b/a Collins and Associates

Rhonda Royals introduced the case. Kevin Case is representing Collins and Associates regarding a roofing inspection that we conducted; our department turned the roof down. The contractor is appealing our interpretation of the method in which the 3-tab shingle roof should have been installed.

Randy Jones addressed the Board. Per Mr. Jones, Kevin Case is the license holder. Robert Allen and Russell Lewis are representatives of Collins and Associates. The project was permitted on November 12, 2004, 1st inspection (final) called in on January 7, 2005 (turned down), recalled an inspection on July 16, 2005, again on July 21, July 26 and August 15; all of which were turned down due to the way the shingles were nailed. A Santa Rosa County Building inspector told Randy that they were nailed incorrectly everywhere he looked. The correction notice from the 1st inspection says shingles nailed in and above tar line. The location of the fasteners is the issue.

The Board members were provided with an illustration detailing a shaded area on the shingle, also shown were the tar strips. Per Randy Jones, based on the illustration, you could argue that the shaded area goes into the tar strip which he believes will be Mr. Allen's intention. It would be acceptable to put the nail in the tar strip as long as it was within that dimension, the 11" and 13" from the edge of the shingle. This department says that's not the case; the nail should not be in the tar strip. Notice the note off to the side of the shingle picture; it says fastener must not cover self sealed strip, we are using that information to say that there are to be no nails in the adhesive strip. Mr. Allen's position is that this letter (another letter provided to the Board) from GAF says that the shingles are ok the way they are currently nailed. We don't believe the letter states that. He (Randy) had several discussions with Mr. Allen regarding the letter; Mr. Allen suggested that he call Mr. Schwinn, a representative with GAF (manufacturer); he called Mr. Schwinn. Mr. Schwinn told Randy that the graphic was wrong; there should be no nails in the adhesive strip.

The Board asked questions and a discussion ensued. Randy stated that GAF will warranty the shingles if they are repaired according to the letter provided. The repair includes lifting of shingle, if nailed wrong, put down a dab of tar to reseal. If the shingle tears that shingle needs to be replaced. This repair as stated in letter is agreeable to Building Department. No repairs have been made.

Robert Allen spoke, once again referring to the graphic provided. If you take lines and draw them down across the shingle and

take the other lines and draw them across it creates rectangle areas when nails can be installed. The tar line in the graphic isn't like the actual shingle. The tar line moves all over the place and you could never go with this exact drawing as the line moves back and forth. You will get a nail or two in the tar line. Mr. Allen says there are nails in the tar line. Mr. Allen states that he interprets the note off to the right of the shingle graphic differently. 'Fastener must not cover self sealed', nail is in the glue line however, the adhesive isn't covered up. In the GAF letter it says that as long as you've got a quarter size dab in sealant you are good. We still have that.

Mr. Allen wanted to take things one step further. One thing that Randy touched on, the GAF rep told Randy verbally that the print-out is wrong, which aggravates him because these install instructions are all a roofer has to go on. We are not above mistakes and are willing to correct any mistakes. He has no problem fixing the roof based on the instructions in the letter but wants to ensure that the roof is fixed according to the method the Building Department approves. The roof currently has no leaks after being on for nearly a year, looks great and the owner is happy with the job and has paid the contractor in full. If you read the letter in full it says…if you are going to damage the roof to get to the nail, leave it alone, the shingle is functioning the way it was designed. The tar line is working; it is holding the tabs down.

A discussion ensued amongst the Board and Mr. Allen. Mr. Allen admits that there are shingles that need to be resealed, corrections need to be made and they will be as long as he knows that the SRC Building Department is happy with the way the corrections are made.

Randy Jones addressed the Board. He said based on the way the roof is currently nailed and the information that we have from the manufacturer, he doesn't believe the Building department can pass that roof. There may be some new installation information, which he hasn't read yet. The building code says that shingles are to be installed based on the manufacturer instructions; it is a requirement that those instructions be on the jobsite.

Rhonda Royals addressed the Board stating that the homeowner does have an issue with the roof; he wants his roof to pass a final inspection.

It is the Boards recommendation that Randy and Mr. Allen meet out at the jobsite. The Board also recommends that if the repairs are made to the shingles that lift up, the contractor is in compliance with the manufacturers' instructions.

Mr. Blackman made a motion to table the case until the next meeting; however Randy is encouraged to make a decision on-site. Mr. Southerland seconded the motion. The motion passed with a unanimous decision.

Open Forum

Keith Tucker VS. Steven Brett Currence d/b/a Dolphin Custom Homes

Randy addressed the Board. Mr. Tucker's issue is another case against Dolphin Custom Homes that he only received yesterday. This case is very similar to the Shoemaker's.

Rhonda Royals addressed the Board stating that Mr. Currence hasn't been notified of this complaint.

The Board decided that since Mr. Currence hadn't been notified, they would not listen to the case. It would have to be brought up as an agenda item at the next meeting after Mr. Currence had some response time.

Mr. Blackman made a motion to adjourn the meeting. Mr. Hall seconded the motion. The motion carried with a unanimous vote.

The meeting was adjourned at 4:48 p.m.

Approved this _____ day of _____, 2005.

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Frank Harold, Chairman

Prepared by Robyn Leverton, Office Assistant

Santa Rosa County Building Inspection Department