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**Florida Building Codes**

**USER:** Joe Bigelow, Department of Business & Professional Regulation, DBPR Personnel

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OFFICE OF THE SECRETARY

Petition # 178

Do you have a Local Board of Appeals No

If Yes, have they rendered a decision on this issue No

County Lee

Jurisdiction City of Cape Coral Building Division

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Building Official Stephen Poposki  
Address/Phone/Email 1015 Cultural Park Blvd.  
P.O. Box 150027  
Cape Coral, FL 33990  
(239) 826-5208  
spoposki@capecoral.net

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Petitioner Name Johnson Bill  
Address/Phone/Email 611 SE 11th St.  
Ste. A  
Cape Coral, FL 33990  
(239) 772-0027  
bill@cccia.org

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Petitioner Representative's Name Edward Ramos  
Address/Phone/Email 1223 SE 47th Ter.  
Ste#2  
Cape Coral, FL 33904  
(239) 540-3566  
ed@capecoralbuilder.com

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Building Code Version 2017

Sub Code Residential

Chapter & Topic Chapter 3 - Building Planning

Section FBC 312.1.1

If permitted, date of permit application

Enter explanation of how the Petitioner's substantial interests are being affected by the local interpretation of the Florida Building Code

See Attached Explanation of how Petitioner's substantial interest are being affected by the local interpretation of FBC 312.1.1

Date	Attached File
11/26/2019	<a href="#">Pet_ID_178_Interest_Explanation_of_how_Petitioner's_Substantial_Interest_are_being_Affected.pdf</a>
11/26/2019	<a href="#">Pet_ID_178_Interest_Fall_Protection_30_or_Less.pdf</a>
11/26/2019	<a href="#">Pet_ID_178_Interest_Fall_Protection_Greater_Than_30.pdf</a>

Enter statement of the interpretation given to provisions of the Florida Building Code by the local building official and the manner in which the interpretation was rendered

(If information is entered, it must be exactly as it appears in the hardcopy)

See attached Building Officials Letter. RE: Guard requirement along open-sided walking surfaces.

Date	Attached File
11/26/2019	<a href="#">Pet ID 178 BGD Interp 2019.09.23.Guard Requirement along open sided walking surfaces.pdf</a>

Enter statement of the interpretation that the petitioner contends should be given to the provisions of the Florida Building Code and a statement supporting the petitioner's interpretation

Can the petitioner use planters as per the diagram provided to make adjustments to grade from an open sided walking surface to be 30" or less measured vertically to the floor or grade below at any point within 24" horizontally to the edge of the open side as a means of achieving the necessary elevation as allowed by FBC Section 312.1.1 to eliminate the need for guards?

The petitioner contends that using planters and adjustments to grade as a means of achieving the necessary elevations allowed by FBC to eliminate the need for guards is acceptable.

See Attached Statement of the interpretation that petitioner contends should be given to the provisions of FBC 312.1.1 for additional information.

Date	Attached File
11/26/2019	<a href="#">Pet ID 178 PET Interp Fall Protection 30 or Less.pdf</a>
11/26/2019	<a href="#">Pet ID 178 PET Interp Fall Protection Greater Than 30.pdf</a>
11/26/2019	<a href="#">Pet ID 178 PET Interp Statement of the interpretation that petitioner contends should be given.pdf</a>

Enter local building official response by providing a statement admitting or denying the statements contained in the petition and a statement of the interpretation of the provisions of the Florida Building Code which the local jurisdiction or the local building official contends is correct, including the basis for the interpretation

See attached Building Officials letter.

Date	Attached File
12/16/2019	<a href="#">Pet ID 178 Response 2019.12.16.Building officials response to petition for binding interpretation 178.pdf</a>

**History**

Date Paid	11/26/2019
Date Pending Building Official Response	12/11/2019 03:00 PM
Date Building Official Response	12/16/2019
Date Submitted to BOAF	12/16/2019
Date Accepted	01/08/2020

**More Information Requested**

The petitioner needs to succinctly ask the proposed code interpretation question in one sentence.

**Date Requested**

12/18/2019

Ask the proposed code interpretation question in one sentence.

01/08/2020

Time Waiver Granted

Date Extended To

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