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Florida Building Codes

USER: Ann Russo, Binding Interpretations Administrator

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▶ OFFICE OF THE SECRETARY

Petition #	174
Do you have a Local Board of Appeals	No
If Yes, have they rendered a decision on this issue	No
County	Lee
Jurisdiction	County of Lee
<hr/>	
Building Official	Steve Sarkozy
Address/Phone/Email	Village of Estero 9401 Corkscrew Palms Circle Estero, FL 33928 (239) 221-5035 sarkozy@estero-fl.gov
<hr/>	
Petitioner Name	HW Cecil
Address/Phone/Email	9185 Astonia Way Estero, FL 33967 (239) 994-6721 waynececil@hotmail.com
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Petitioner Representative's Name	
Address/Phone/Email	
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Building Code Version 2017
 Sub Code Residential
 Chapter & Topic Chapter 24 - Fuel Gas
 Section G2408

If permitted, date of permit application 07/06/2018

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

Location of Generator is not in compliance with FBC. Permits are not in compliance with minimum manufacturer's installation location ("It is important that the generator is not subject to water intrusion"...."find a stable area that is well drained and does not flood" (A drainage easement is by definition subject to flood water). Per Generac, nothing within 3 feet of both sides and front and not located within 3 feet of AC units. Also must comply with Florida Constitution and Florida Statute 877.03. The Village was given first written notice of multiple failures to comply with minimum requirements in December 2018.

Date	Attached File
08/08/2019	Pet ID 174 Interest August 8 2019 PDF.pdf
07/18/2019	Pet ID 174 Interest July 18 2019 Petition PDF File.pdf
08/29/2019	Pet ID 174 Interest Petition 174 Update August 29 2019.pdf

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 page 6/17 of the attached 08/08/2019 PDF file...."the installation guidelines are subordinate to applicable law".
 The official building official response...in writing after multiple requests to bring installation/location into compliance with the FBC.

Date	Attached File
07/18/2019	Pet ID 174 BGD Interp July 18 2019 Petition PDF File.pdf

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

See page 4/17 of the attached 08/08/2019 PDF file....."Where a code provision is less restrictive than the conditions of the listing of the equipment or the appliance or the manufacturer's instructions, the conditions of the manufacturer's instructions shall apply."

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

I am denying the validity of the above filed petition; please see attached documents

Date	Attached File
07/25/2019	Pet ID 174 Response Cecil Response 553.775.pdf
07/25/2019	Pet ID 174 Response generac 22 install manual.pdf

History

Date Paid	07/18/2019
Date Pending Building Official Response	07/19/2019 12:21 PM
Date Building Official Response	07/25/2019
Date Submitted to BOAF	07/25/2019
Date Accepted	09/06/2019

More Information Requested

Date Requested

Rephrase your request for interpretation into one question on one topic of the building code in question. We will not comment on floodplains or local ordinances. We would like to see a site plan with location of home, generator, any appliance(s) adjacent to generator. Photos if available.

Remove all references to Lee County Land Development 08/28/2019

Code, Lee County Noise Control Ordinance 14-18 & any other reference to those codes or to noise abatement. This Binding Interpretation process is limited to only Fla Building Code interpretation questions.

Time Waiver Granted



Date Extended To

09/04/2019

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