

8/4/08

STATE OF FLORIDA
BUILDING COMMISSION

In the Matter of-

Arroyo Enterprises, Inc.

Petitioner.

Case #: DCA08-DEC-087

DECLARATORY STATEMENT

The Foregoing proceeding came before the Florida Building Commission (the Commission) by a Petition from Joseph Herrmann of Arroyo Enterprises, Inc.(Petitioner) which was received on March 17, 2008. Based on the statements in the petition and the material subsequently submitted, it is hereby ORDERED:

Findings of Fact

1. This petition is filed pursuant to, and must conform to the requirements of, Rule 28-105.002, Florida Administrative Code.
2. Petitioner constructs sunrooms in the State of Florida that are subject to the Florida Building Code [FBC]
3. Petitioner proposes to build a sunroom in Martin County, Florida, designed as a partially enclosed structure.
4. Petitioner inquires whether a non habitable structure can be built as partially enclosed and what categories of sunroom are required by the FBC (2007) to be shuttered. Petitioner also inquires whether a glass sunroom with a glass roof can be built as partially enclosed and whether it is required by the FBC (2007) to be shuttered.

Conclusions of Law

1. The Florida Building Commission has the specific statutory authority to interpret the provisions of the FBC by entering a declaratory statement.

2. Section R301.2.1.2, FBC, Residential Volume (2007) states:

Windows in buildings located in wind-borne debris regions shall have glazed openings protected from wind-borne debris. Glazed opening protection for wind-borne debris shall meet the requirements of the Large Missile Test of an approved impact resisting standard or ASTM E 1996 and ASTM E 1886, SST D 12, ANSI/DASMA 115 (for garage doors) or TAS 201, 202 and 203 or AAMA 506 referenced therein.

1. Openings in sunrooms, balconies or enclosed porches constructed under existing roofs or decks are not required to be protected provided the spaces are separated from the building interior by a wall and all openings in the separating wall area protected in accordance with this section. Such space shall be permitted to be designed as either partially enclosed or enclosed structures. (emphasis added)

2. Storage sheds that are not designed for human habitation and that have a floor area of 720 square feet (67 m²) or less are not required to comply with the mandatory wind-borne debris impact standard of this code. (emphasis added)

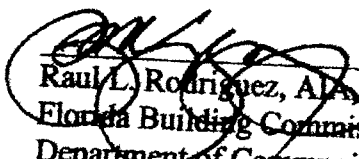
3. Section 202. FBC, Residential Volume (2007), defines habitable space as, "[a] space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, screen enclosures, sunroom Categories I, II and III as defined in the AAMA/NPEA/NSA 2100, storage or utility space, and similar areas are not considered habitable space."

4. Based on the foregoing standards non-habitable buildings including this sunroom can be built as partially enclosed. However, with the exception of storage sheds

that are not designed for human habitation and that have a floor area of 720 square feet or less, the code does not differentiate between habitable or non-habitable structures with regard to the requirement for wind-borne debris protection. The 2007 FBC requires all categories of sunroom containing glazing, including this non-habitable sunroom, to be shuttered unless they are constructed under roofs or decks, and are separated from the building interior by a wall with all openings in the separating wall protected in accordance with section R301.2.1.2.


Petitioner and all other interested parties are hereby advised of their right to seek judicial review of this Order in accordance with Section 120.68(2)(a), Florida Statutes, and with Fla. R. App. 9.030(b)(1)(C) and 9.110(a). To initiate an appeal, a Notice of Appeal must be filed with Paula P. Ford, Clerk of the Commission, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, FL 32399-2100, and with the appropriate District Court of Appeal no later than thirty days after this Order is filed with the Clerk of the Commission. A Notice of Appeal filed with the District Court of Appeal shall be accompanied by the filing fee specified by section 35.22(3), Florida Statutes.

DONE AND ORDERED this 1st of August, 2008, in Coral Gables, Miami-Dade County, State of Florida.


Raul L. Rodriguez, ADA Chair
Florida Building Commission
Department of Community Affairs
Sadowski Building
2555 Shumard Oak Blvd.
Tallahassee, FL 32399-2100

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was sent to the following by the method indicated on this 4th day of Aug, 2008.

for 
PAULA P. FORD
Commission Clerk

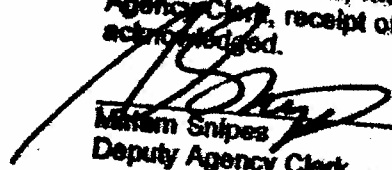
Via U.S. Mail

Joseph Herrmann
Arroyo Enterprises, Inc.
6704 South U.S. Highway 1
Port St. Lucie, FL 34952

Via Hand Delivery

Mo Madani, C.B.O. Manager
Codes and Standards Section
Department of Community Affairs
2555 Shumard Oak Blvd.
Tallahassee, FL 32399-2100

FILING AND ACKNOWLEDGEMENT
FILED, on this date, with the designated
Agency Clerk, receipt of which is hereby
acknowledged.


Martin Snipes
Deputy Agency Clerk

8/4/08
Date