

10/23/08

STATE OF FLORIDA
BUILDING COMMISSION

In the Matter of

ST. JOHNS COUNTY, FLORIDA,
BUILDING DEPARTMENT,

Case #: DCA08-DEC-150

Petitioner.

_____ /

DECLARATORY STATEMENT

The foregoing proceeding came before the Florida Building Commission (the Commission) by a Petition from James Paula, Plans Examiner with the St. Johns County Building Department, which was received on June 2, 2008. Based on the statements in the petition, the material subsequently submitted and the subsequent request by the Petitioner, it is hereby ORDERED:

Findings of Fact

1. The petition is filed pursuant to, and must conform to the requirements of Rule 28-105.002, Florida Administrative Code.
2. The Petitioner is the authority having jurisdiction to enforce the Florida Building Code in St. Johns County, Florida.
3. The Petitioner is reviewing plans for a three-story, single family, pile supported structure located seaward of the coastal construction control line [CCCL].
4. The Petitioner requests an interpretation of Section 3109, Florida Building Code (2004 as amended 7/06) as it applies to this structure, and specifically:
 - (a). Whether Section 3109.4.1 requires a pile foundation for decks and stairs attached to the structure;

(b). Whether Section 3109.4.1 allows a design ratio of pile spacing to pile diameter of less than 8:1; and

(c). Whether Section 3109.3 requires that the bottom of the lowest horizontal structural member be located above the 100 year storm elevation when a only portion of the lowest horizontal members fall landward of the CCCL?

Conclusions of Law

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

2. Section 3109.1.1, Florida Building Code, Building Volume (2004 as amended 7/06), requires that all habitable structures that extend in whole or in part beyond the CCCL comply with the requirements of Section 3109 of the Code.

3. Section 3109.3, Florida Building Code, Building Volume (2004 as amended 7/06), requires that, subject to limited exceptions that are inapplicable to the Petitioners' circumstances:

All habitable structures shall be elevated at or above an elevation which places the lowest horizontal structural member above the 100-year storm elevation as determined by the Florida Department of Environmental Protection in the report titled "One-Hundred-Year Storm Elevation Requirements for Habitable Structures Located Seaward of a Coastal Construction Control Line."

4. Section 3109.4.1 Florida Building Code, Building Volume (2004 as amended 7/06), generally requires pile foundations for all habitable structures with a design ratio of pile spacing to pile diameter of not less than 8:1. This section provides specific exceptions that are inapplicable to the facts of the Petition.

5. Section 3109.2, Florida Building Code, Building Volume (2004 as amended 7/06) defines habitable structures as “[s]tructures designed primarily for human occupancy and are potential locations for shelter from storms. Typically included within this category are residences, hotels and restaurants.”

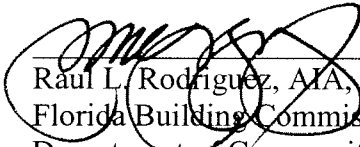
6. Section 202, Florida Building Code, Building Volume (2004 as amended 7/06), defines structure as “[t]hat which is built or constructed.”

7. Based on the foregoing, the structure in question includes decks and stairs attached to the building, and there is no basis for any differentiation of these elements. As such, the decks and stairs are required to be elevated on a pile foundation with a design ration of pile spacing to pile diameter of not less than 8:1.

8. Additionally, if any portion of the structure extends seaward of the CCCL, the bottom of the lowest horizontal structural member must be located above the 100 year storm elevation even when a portion of the lowest horizontal members fall landward of the CCCL.

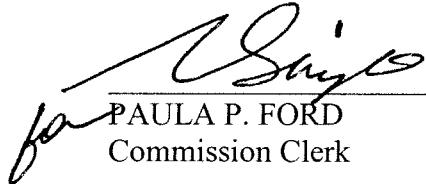
Petitioner and all other interested parties are hereby advised of their right to seek judicial review of this Order in accordance with Section 120.68(2)(a), Florida Statutes, and with Fla. R. App. 9.030(b)(1)(C) and 9.110(a). To initiate an appeal, a Notice of Appeal must be filed with Paula P. Ford, 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 21st of October, 2008, in Coral Gables,
Miami-Dade County, State of Florida.


Raul L. Rodriguez, AIA, 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 23rd day of Oct, 2008.


PAULA P. FORD
Commission Clerk

Via U.S. Mail

James Paula
Plans Examiner
St. Johns Building Department
4040 Lewis Speedway
Saint Augustine, Florida 32084

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
Clerk, receipt of which is hereby
acknowledged.

 10/25/08
Paula P. Ford Date
Commission Clerk