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03/22/2010 05:20 PM


To <Mo.Madani@dca.state.fl.us>

cc

bcc

Subject comments for Dec 10-045

History:

 This message has been forwarded.

Attached please find a finished survey, foundation plan, addendum foundation plan, and addendum floor plan for Mr. Gunter Gammerler at 206 North Casey Key Road, Osprey, Florida. I have also enclosed a picture of what the house looks like today.

This work was for an existing SFR home that was extensively remodel around 2005. The work first consisted of completely tearing the home down to the foundation and then add a second floor; however, the Owner decided to add a rear lanai also at the same. The existing finished floor at the time was 10.33' NGVD and the finished floor being at 11.50'. Flood Zone designation in this area is/was AE-12, 11.0' BFE.

The foundation plans show no modification of the existing foundation; yet, clearly denote the slab was to be cut-out for a new downdraft vent and an elevator pit, non-structural topping pourover of 8 to 16", doweling into the existing walls, slab, and foundation, and a #4 rebar grid system @ 48" o.c. within the new slab area. All these plans were approved, with the local permit being issued March 14, 2005 by Sarasota County Building Department (#02-055283 00 B1), Dr. Muthuswamy of the Florida DEP (#ST-1599), and via inspections from Steve West, field representative, Florida DEP. All these can easily be verified.

Gene Chalecki of the Florida DEP has stated in the past that the historical application of *the exception* (i.e. FBC 3109) comes directly from Statute and not Rule driven, and the above situation is an example of their past opinion AND approval of such.

Jim Richmond, attorney for the DCA, also has stated in the past, that the Commission's approach is, unless there is a change in the language of the code, the general public is *entitled to consistent application* of the rules (i.e. previous DEP rules).

Based upon Mr. Chalecki and Mr. Richmond's past statements, it appears *clear* that FBC 3109 must be interpreted as it always was by the Florida DEP. I firmly support approval of Mr. Merlin's declaratory statement.

Thank you,

Sincerely,



James Battaglia

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