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Florida Building Codes
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OFFICE OF THE SECRETARY

Petition #	207
Do you have a Local Board of Appeals	No
If Yes, have they rendered a decision on this issue	No
County	Palm Beach
Jurisdiction	City of Riviera Beach
<hr/>	
Building Official	Michael Grimm
Address/Phone/Email	600 West Blue Heron Blvd. Riviera Beach, FL 33404 (561) 845-4008 Mgrimm@rivierabeach.org
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Petitioner Name	Halo Development LLC
Address/Phone/Email	Attn: Fane Lozman 13901 NW 118th Avenue Miami, FL 33178 (786) 251-5969 fane@fanelozman.com
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Petitioner Representative's Name	Robert S. Fine, Esq., AIA
Address/Phone/Email	Greenberg Traurig, PA Suite 4400 Miami, FL 33131 (305) 579-0826 finer@gtlaw.com
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Building Code Version	2017
Sub Code	Building
Chapter & Topic	Chapter 1 - Scope and Administration
Section	105.3.1,105.6,107.3,110.3 FBC; 103.4.1,103.4.2 RBL
If permitted, date of permit application	04/19/2019

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

The permit that is involved in this petition is for the construction of a 4 feet high fence to protect a piece of residential property from trespassers. The voiding of the fence permit without appropriate cause is delaying petitioners ability to protect its property. The voiding of a building permit without lawful justification is a denial of petitioners rights vested in the permit it was issued without due process and also causes petitioner to question its ability to utilize the bundle of rights in its property if even a simple fence permit is revoked without just cause or due process. Finally, attaining the permit required the expenditure of significant funds that will not be returned and who's benefit cannot be realized until the permit is restored.

Date	Attached File
04/19/2021	Pet_ID_207_Interest_Explanation_of_How_Petitioner's_Substantive_Rights_are_Affected.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 attached.

Date	Attached File
02/23/2021	Pet_ID_207_BGD_Interp_City_Building_Permit_Application_19-01026-VOID_04.26.2019(002).pdf
02/23/2021	Pet_ID_207_BGD_Interp_Gagnon_BC_License_Search.pdf
02/23/2021	Pet_ID_207_BGD_Interp_letter_firing_Ladi_March_April_29_2019.pdf
02/23/2021	Pet_ID_207_BGD_Interp_letter_from_Ladi_March_to_Interim_City_Manager_April_29_2019(002).pdf
02/23/2021	Pet_ID_207_BGD_Interp_Petition_for_Binding_Interpretation-Statement_of_provisions_to_be_interpreted_V2.pdf
04/19/2021	Pet_ID_207_BGD_Interp_Supplement_to_Statement_of_interpretation_of_FBC_given_by_the_Building_Official_or_Local_Enforcement_Agency_to_Petitioner_for_filing.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

Pursuant to plain language of Sections 103.1, 103.3 and 103.4 of the City of Riviera Beach FBC Amendments, as well as the provisions of Sections 468.604 and 468.607, Florida Statutes, when a duly licensed building official or building code administrator issues a building permit, an individual who is not a licensed building official or building code administrator cannot void, rescind or revoke the permit or issue stop work orders related thereto. Only an appropriately licensed building official or her licensed designee may void, revoke or rescind the permit or issue stop work orders on work that is subject to the permit. In addition, because a valid permit in good standing was improperly voided by the improper action of an unlicensed person, the permit should be restored to active status and in good standing.

Date	Attached File
04/19/2021	Pet_ID_207_PET_Interp_Exhibits_to_the_Response_Cited_to_in_the_Supplement.pdf
02/23/2021	Pet_ID_207_PET_Interp_Riviera_Beach_FL_Code_of_Ordinances_22-32-HL.pdf
04/19/2021	Pet_ID_207_PET_Interp_Supplement_Exhibits_A-D.pdf
04/19/2021	Pet_ID_207_PET_Interp_Supplement_to_Petition- Revised Statement of the Interpretation of the FBC Petitioner Contends.pdf

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 document filed by Petitioner on behalf of and to assist building official.

Date	Attached File
04/16/2021	Pet_ID_207_Response_Building_Official_Response_for_filing.pdf

History

Date Paid	02/24/2021
Date Pending Building Official Response	03/06/2021 10:30 AM
Date Building Official Response	04/16/2021
Date Submitted to BOAF	04/16/2021
Date Accepted	05/19/2021

More Information Requested

Please provide more information

Date Requested

04/19/2021

Time Waiver Granted

Date Extended To

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