



**Florida Building Codes**

**USER:** Joe Bigelow, Department of Business & Professional Regulation, DBPR Personnel

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OFFICE OF THE SECRETARY

Petition #	228
Do you have a Local Board of Appeals	No
If Yes, have they rendered a decision on this issue	No
County	Alachua
Jurisdiction	County of Alachua
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Building Official	Dan Gargas
Address/Phone/Email	10 SW 2nd Ave Gainesville, FL 32601 (352) 374-5243 dgargas@alachuacounty.us
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Petitioner Name	R&M Construction, LLC
Address/Phone/Email	c/o Braswell Law PLLC 116 NE 3rd Avenue Gainesville, FL 32601 (352) 416-3414 braswell@braswelllawpllc.com
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Petitioner Representative's Name	Braswell Law, PLLC
Address/Phone/Email	Braswell Law, PLLC 116 NE 3rd Ave GAINESVILLE, FL 32601 (352) 416-3417 braswell@braswelllawpllc.com
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Building Code Version	2020
Sub Code	Residential
Chapter & Topic	Chapter 7 - Wall Covering
Section	R703.7.2.1
If permitted, date of permit application	11/04/2019

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

Mr. Gargas, as the building official for Alachua County, has placed a red-tag stop work order on a house being constructed by the Petitioner, R&M Construction, LLC. The home is located at 18509 NW 138th Avenue, Alachua Florida and is being constructed by Shannon Delgado.

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)

The first issue is related to the installation of weep screed for the exterior stucco finish. The subject house has a stucco finish, and when the stucco finish was installed, weep screed along the bottom of the wall sections was not included. Therefore, the contractor agrees that weep screed needs to be added to the house to be consistent with code requirements and has proposed corrective work to include the weep screed.

The Petitioner has proposed a written plan and specifications for retrofitting the weep screed into the stucco finish for the house. (Details of the corrective work is attached). The building official has not provided any detailed response why the proposed solution does not meet the requirements of the Florida Building Code. The Petitioner contends that the building official's refusal to lift the red tag from the job is creating unnecessary issues and that the building official has no basis under the building code to reject the installation of the weep screed. (Building Official's email response is below).

The second issue is related to the installation of control joints in the stucco finish. The Petitioner acknowledges that approximately 4 or 5 exterior walls will require retrofitting control joints into the stucco finish where they were left out during initial construction. The Petitioner has detailed the procedure for adding the control joints, and the building official has refused to approve the proposal and has given no detailed reason for his failure to approve of the Petitioner's proposal. In fact, the building official failed to provide any comments on this issue.

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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

Petitioner has agreed that weep screed and expansion joints in the stucco finish are required by the building code, and the Petitioner has agreed to the installation of weep screed and control joints to satisfy the requirements of the building code. The Petitioner is in complete agreement, but the building official refuses to lift the Stop Work Order issued on the house and refuses to allow construction to proceed because of an apparent and unstated disagreement with the method by which the Petitioner will install the weep screed and expansion joints. The building official's failure to allow the work to proceed is effectively damaging both the owner and the contractor.

The Petitioner has proposed a well-founded resolution for both pending issues that is consistent with the Florida Building Code. Retrofitting the weep screed into the stucco finish may not be ideal, but it is the most effective way to comply with the requirements of the code, and this point has not been disputed. The videos and photographs that were supplied in support of this petition demonstrate the procedure by which the Petitioner will install the weep screed into the finish, and those videos should provide adequate assurances that the final product will comply with the Florida Building Code when everything is complete. The building official's refusal to lift the red-tag from the job and to allow construction to proceed is an incorrect decision that needs to be reversed by this tribunal so that construction of this house can proceed.

<b>Date</b>	<b>Attached File</b>
06/25/2021	<a href="#">Pet ID 228 PET Interp Petition for Declaratory Statement w BO comments - Filed (002).pdf</a>

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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

7. Space for the local building official to respond in writing.

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Please consider this to be my official response as the Alachua County Building Official.

First I would like to point out that the Contractor is not Shannon Delgado, as is indicated at the top of page 3, she is the homeowner. The Contractor is "R&M Construction & Development"; Robert Clark is the qualifier CBC1256838.

The petitioners and or his attorney had indicated that they were going to submit a plan prepared by an Architectural Firm. The plan that they submitted was not prepared by an Architectural Firm.

I do acknowledge that that a code section was not listed for the rejection. The code section I am now providing is as follows;

A)107.1General.

Submittal documents consisting of construction documents, statement of special inspections, geotechnical report and other data shall be submitted in two or more sets with each permit application. The construction documents shall be prepared by a registered design professional where required by Chapter 471, Florida Statutes or Chapter 481, Florida Statutes. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional.

The contractor is required to submit a detailed plan for the installation of the weep screed and expansion joints signed and sealed by a Florida licensed Architect or Engineer

The petitioners Legal Council indicates the contract that I was provided did not indicate the type of stucco.

Dan Gargas  
Building Official  
Alachua County  
BU 1463

#### History

Date Paid	06/25/2021
Date Pending Building Official Response	06/23/2021 04:08 PM
Date Building Official Response	07/15/2021
Date Submitted to BOAF	07/15/2021
Date Accepted	07/20/2021

#### More Information Requested

#### Date Requested

Please clarify the question (this may be accomplished by pasting the text from #6 on your attachment into the field "enter the statement of interpretation..." where it now reads: see attached petition)

07/20/2021

Time Waiver Granted

Date Extended To

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