

PETITION FOR DECLARATORY STATEMENT

BEFORE THE FLORIDA BUILDING COMMISSION

Petitioner

William A. Gates, Property Owner
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0CA07-DEC-081
FILING AND ACKNOWLEDGEMENT
FILED, on this date, with the designated
Clerk, receipt of which is hereby
acknowledged.

Paula P. Ford 4/18/07
Paula P. Ford Date
Commission Clerk

Statutory Provision(s)

2001 Building Code, Chapter 10, Section 1007 – Florida Building Code Informal Interpretation Report #5036, dated March 22, 2007, states/implies that the stairway construction requirements of Section 1007 applies to stairs in the exit discharge (area between the exit of the building and the public way). This appears to be a mistake since this adds a new requirement retroactively where none existed previously. Sec. 1007 addresses the exit discharge (1007.1.5, Exception) but levies no requirement in that area. Sec. 1010 specifically addresses the limited requirements for the exit discharge, but levies no requirement for the construction of stairs in that area. The Code drafters had the opportunity to include exit discharge stair construction requirements in either Sec. 1007 or Sec. 1010, but chose not to do so. To do so now, regardless of how noble the intent, is a retroactive change to the Code, which is not the intent of the interpretation process as I understand it.

Description of Substantially Affect

This Interpretation affects the issuance of a Certificate of Occupancy for the single family residential building located at 704 Saxon Palm Court in New Smyrna Beach, Florida. The Building Permit for this construction was issued in July 2003. The site plan was shown on the first sheet of the engineering approved/sealed drawing package for this building. The steps shown on this site plan are in the exit discharge, but did not meet the stairway construction requirements of Sec. 1007, since it was believed this requirement did not apply to steps outside a building. Note that Sec. 1001.1.3 states the scope of Chapter 10 is the "paths of travel to the exterior of a building" (also see Informal Interpretation Report #2302, dated 3-8-03, and #2726, dated 11-10-03). Now that the steps have been constructed and the area around them completed, the following tasks will be required to meet the requirements of Sec. 1007: 1) now existing landscape walls in vicinity of steps will have to be removed, 2) wiring to the embedded light fixture will have to be removed, 3) now existing concrete steps will have to be broken-up and removed, 4) destroyed light fixture will have to be re-purchased, 5) new steps will have to be formed, and new underground wiring and fixture installed, 6) concrete will have to be re-poured and finished, 7) removed landscape walls will have to be re-built, and 8) new hand railings will have to be purchased and installed. This represents a substantial impact in both time and rework costs.

William A. Gates
Signature of the Petitioner

4-16-07
Date

Filed with: Clerk of the Commission, Paula Ford
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