

**PETITION FOR DECLARATORY STATEMENT
BEFORE THE FLORIDA BUILDING COMMISSION**

Date: August 12, 2021

A copy of this Petition has been mailed by USPS to:

DS 2021-044

**Mr. Mo Madani
Office of Codes and Standards
Department of Business and Professional Regulation
2601 Blair Stone Road
Tallahassee, Florida 32399
(850) 487-1824**

**And has been sent electronically by email to:
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Petitioner Name: Roslyn J. Chancey

Title: Owner

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Code Section on which the Declaratory Statement is sought:

2020 FLORIDA BUILDING CODE, Residential, 7th Edition

Chapter 2 Definitions

Section R201 General

[RB] KITCHEN. Kitchen shall mean an area used, or designated to be used, for the preparation of food.

Background:

In Petitioner's single-family home: 509 East Magnolia Street, Kissimmee, FL 34744, two rooms are combined in an open-concept design: Kitchen and Keeping Room (family room) establishing a 16.5' x 16.5' room.

The room adjacent to the kitchen is known as a keeping room, (terminology known to be first used in year 1771, when families slept close to the warmth of the kitchen hearth to "keep" warm).

The City of Kissimmee has an ordinance 13-1-14 (L)(3)(e) that prohibits sleeping in a "kitchen". Petitioner received notice of violation when beds were observed in the keeping-room section. Beds were removed, the problem was solved, and the case was CLOSED. There is no pending litigation. CASE NO CE-20-02550.

The Florida Building Commission has defined "kitchen" as an "area" used, or designated to be used, for the preparation of food.

An L-shaped kitchen in this first half of the 16.5' x 16.5' room, takes up 50% of the 2-room combo, measuring 16.5' x 8.25'.

The second half of the 16.5' x 16.5' room, representing a second room, taking up 50% of the 2-room combo, also measuring 16.5' x 8.25', has a window, and meets qualifications for habitable use. This second half of the room is NOT used for the preparation of food, nor intended to be used for the preparation of food. Therefore, Petitioner submits that, by definition, this second half representing a second room, is not a "kitchen".

Petitioner's interests will be substantially affected due to loss of income if the Florida Building Commission interprets the entire 16.5' x 16.5' room to be a "kitchen", because Petitioner will lose rental income that would have been derived from an additional tenant being able to occupy and sleep in the second half of the large room.

Summary:

Petitioner is requesting a Declaratory Statement from the Florida Building Commission that includes the following statement or a statement similarly worded:

"Regarding an open-concept room that combines two rooms: a kitchen and a room adjacent to the kitchen, such room adjacent to the kitchen, not used for the preparation of food, nor intended to be used for the preparation of food, is not defined as a kitchen."

Respectfully submitted,



Roslyn J. Chancey, Owner, Petitioner