

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

**Company:** Accent Closets  
**Address:** 2266 SW 30 Place,  
Pompano Beach, FL (the "Property")

**DS 2023-033**

**Name:** Ron Annechiarico

**Title:** President

**Telephone:** (954)332-2358

**Email:** [rabrums@abrums-law.com](mailto:rabrums@abrums-law.com)

**Petitioner's Attorney or Representative:**

Ryan A. Abrams, Esq.  
Founder and Managing Attorney  
Abrams Law Firm, P.A.

Statute(s), Agency Rule(s), Agency Order(s), and/or Code Section(s) on which the Declaratory Statement is sought:

Section 202, FBC *Building*  
Section 1001.2.2, FBC, *Existing Building*  
Section 1001.3, FBC, *Existing Building*  
Section 101.4, FBC, *Existing Building*  
Section 903.2.4.1, FBC *Building*  
Chapter 22, FBC *Building*  
Section 303.3, FBC, *Existing Building*

**Background:**

Accent Closets, Inc. ("Accent Closets" or "Petitioner") is a family-owned business that manufactures and installs closet cabinetry.<sup>1</sup> For over thirty-five years, Accent Closets has provided quality service and craftsmanship to the Broward County area. In July of 2013, Accent Closets began leasing the space located at 2266 SW 30 Place, Pompano Beach, FL (the "Property") to operate its business. The Property was issued a Certificate of Occupancy classifying the structure on the Property as F-1 in 1986.

In June of 2013, the City of Pompano Beach issued Accent Closets a zoning use certificate and business tax receipt (collectively, the "Certificate"), which characterized the use of the Property as the "[manufacturing] and [installing of] closets/small showroom to display closets." The full area breakdown of the Property is 5,956 square feet. Of the total square footage, approximately 1,316 square feet is used for woodworking activities associated with the manufacturing of custom cabinetry.

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<sup>1</sup> [https://www.accentclosets.com/main-products-c-17-title-walk\\_in\\_closet](https://www.accentclosets.com/main-products-c-17-title-walk_in_closet).

More than eight years after the City issued Accent Closets a Certificate of Use (“COU”), the City of Pompano Beach Building Division (the “City”) has now concluded that an automatic sprinkler system is required at the structure pursuant to Chapter 9 of the FBC, *Building* (2020). The City has asserted that this decision is proper because a change of occupancy occurred under the 2020 FBC, *Existing Building*. The 2020 version of the FBC was not in existence when Accent Closets moved into the Property in 2013 and began manufacturing closet cabinets. The Building Division has also claimed that the addition and replacement of all shop equipment to the building must comply with the FBC and requires a building permit.

Accent Closets now seeks a uniform interpretation of the “change of occupancy” provisions of the FBC, *Existing Building* (2020) and the jurisdiction of the FBC over shop equipment. Petitioner seeks this clarification as a “substantially affected person” under the procedures set forth in Section 553.775, F.S. (2011). Specifically, there are several provisions set forth in Section 202, Section 1001.2.2, Section 1001.3, Section 101.4, and Section 903.2.4.1 of the Florida Building Code that require clarification as more specifically outlined below.

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**Section 202, General Definitions.**

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[A] Change of Occupancy. A change of the use of a building or a portion of a building which results in any of the following:

- (1) A change of occupancy classification.
- (2) A change of one group to another group within an occupancy classification.
- (3) Any change in use within a group for which there is a change in the application of the requirements of this code.

**1001.2.2. Change of occupancy classification or group.**

Where the occupancy classification of a building changes, the provisions of Sections 1002 through 1012 shall apply. This includes a *change of occupancy* classification and a change to another group within an occupancy classification.

**1001.3 Certificate of occupancy required.**

A certificate of occupancy shall be issued where a change of occupancy occurs that results in a different occupancy classification as determined by the Florida Building Code, *Building*.

**101.4 Applicability.**

This code shall apply to the repair, alteration, change of occupancy, addition, and relocation of existing buildings, regardless of occupancy, subject to the criteria of Sections 101.4.1 and 101.4.2.

**301.3 Alteration, change or occupancy, addition or relocation – Exceptions.**

[A] Alterations complying with the laws in existence at the time of the building, or the affected portion of the building was built shall be considered in compliance with the provisions of this code. New structural members added as part of the alteration shall comply with the Florida Building Code, *Building*.

**903.2.4.1. Woodworking operations.**

An automatic sprinkler system shall be provided throughout all Group F-1 occupancy fire areas that contain woodworking operations in excess of 2,500 square feet (232 m<sup>2</sup>) in area that generate finely divided combustible waste or use finely divided combustible materials.

...  
*IBC Comment:* “The extent of sprinkler coverage is only intended to be for the Group F-1 occupancy involved in the woodworking activity. If the fire area is larger than 2,500 square feet (232 m<sup>2</sup>) but the woodworking area is 2,500 square feet (232 m<sup>2</sup>) or less, sprinklers are not required. It is not the intent to require the installation of sprinklers throughout the building but rather in the fire area where the hazard may be present.”

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**Questions**

- 1) Is a prefabricated steel storage rack that is not part of the building structure regulated by Chapter 22 of the Florida Building Code, *Building*?
- 2) FBC 1001.2.2 states that: *Where the occupancy classification of a building changes, the provisions of Sections 1002 through 1012 shall apply. This includes a change of occupancy classification and a change to another group within an occupancy classification.* FBC 1001.3 states that: *A certificate of occupancy shall be issued where a change of occupancy occurs that results in a different occupancy classification as determined by the Florida Building Code, Building.* To determine whether there is a change of the occupancy group as shown in the building’s original certificate of occupancy (“CO”), which version of the FBC, *Building* applies, the version in effect on the date of the change in use or the version in effect when the CO was issued?
- 3) FBC Section 903.2.4.1 states that: *"An automatic sprinkler system shall be provided throughout all Group F-1 occupancy fire areas that contain woodworking operations in excess of 2,500 square feet in area which generate finely divided combustible waste or use finely divided combustible materials.* Is an automatic sprinkler system required where the woodworking area noted above comprises 2,500 square feet or less of the overall F-1 fire area?
- 4) Is shop equipment like saws, drill presses, air compressors or similar equipment installed within a building regulated under the Florida Building Code, *Building* or Florida Building Code, *Mechanical*?
- 5) Is the replacement or repair of shop equipment regulated under the Florida Building Code?

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**Summary**

Petitioner respectfully believes Questions 1, 3, 4, and 5 should be answered NO. As to Question 3, the plain language of Section 903.2.4.1 indicates that if woodworking operations in an

F-1 structure do not exceed 2,500 square feet, sprinklers are not required. In response to Question 2, Petitioner believes the version of the FBC in effect on the date of proposed change in use applies to determine whether the change in use would require a new occupancy group. For example, Accent Closets moved into an F-1 Structure in 2013 that was built in 1986; therefore, Petitioner believes that Sec. 306, FBC, *Building* (2010) would apply to determine if the use requires a change in occupancy group.

Petitioner seeks a clear and concise interpretation by the Commission as to the intent and application of the codes. Petitioner fully understands the extensive work of the Commission in developing the Florida Building Codes for greater safety and improvement for the consumer. It is supportive of this mission to ensure the Codes are uniformly interpreted. Section 553.775(1), Florida Statutes, states: “It is the intent of the Legislature that the Florida Building Code be interpreted by building officials, local enforcement agencies, and the commission in a manner that protects the public safety, health, and welfare at the most reasonable cost to the consumer by ensuring uniform interpretations throughout the state and by providing processes for resolving disputes regarding interpretations of the Florida Building Code which are just and expeditious.”

Respectfully submitted,

*/s/ Ryan Abrams*

Ryan Abrams, Esq.