

## Longboat Key Building Department

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<b>FILED</b>	
Department of Business and Professional Regulation	
Deputy Agency Clerk	
CLERK	Brandon Nichols
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March 7, 2014

Mr. Mo Madani  
Office of Codes and Standards  
Department of Business and Professional Regulations  
1940 North Monroe Street  
Tallahassee, Florida 32399

**DS 2014-037**

**RE: Petition for Declaratory Statement before the Florida Building Commission.**

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

**2010 Florida Building Code – Building section 3109.1.1 Exception.** The Standards for buildings seaward of the CCCL area do not apply to any modification, maintenance or repair of any existing structure within the limits of the existing foundation which does not require, involve or include any additions to, or repair or modification of, the existing foundation.

**2010 Florida Building Code – Building section 202 Definitions. Repair.** The reconstruction or renewal of any part of an existing building for the purpose of its maintenance.

**2010 Florida Building Code – Existing Building section 202 Definitions. Repair.** The patching, restoration and/or minor replacement of materials, elements, components, equipment and/or fixtures for the purposes of maintaining such materials, elements, components, equipment and/or fixtures in good or sound condition.

**Background:**

At Longboat Key there is a tourism unit community built in 1974 that is non-compliant as to flood elevations. The buildings have been abandoned for a number of years now and there has been discussion to perform repairs to the buildings to re-occupy. There are many buildings seaward of the coastal construction control line. Most buildings are on short concrete piers with a continuous footing below grade, and three buildings on masonry piers. The piers have extensive fractures, fissures, and even spalled concrete. These conditions have exposed heavily corroded reinforcements and ties. During discussions, part of the proposal of work is to repair the concrete and masonry piers.

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Questions related to buildings seaward of the Coastal Construction Control Line:

- 1) As it relates to noncompliant flood elevation buildings, is it the intent of Florida Building Code - Building Section 3109.1.1 exception to prevent any repairs and require the buildings to become compliant by elevating them on new foundations, relocating the building, or rebuild the buildings at the minimum required elevation?
- 2) As it relates to the definitions of repair, would sealing of fractures and fissures be considered a repair or modification?
- 3) As it relates to the definitions of repair, would cleaning of corroded reinforcements and applying concrete patching or filling the spalled areas be considered a repair or modification?
- 4) As it relates to the definitions of repair, would replacement of reinforcements or ties, or re-alignment of sprung reinforcements, be considered repair or modification?
- 5) Would Florida Building Code - Building section 3109.1.1 exception have the same requirements if the building was built as compliant with a pile foundation and for the flood elevation?

**Summary:**

I would like to prepare for the likelihood of a request of interpretation to perform any work on the piers. I also anticipate an appeal of the Interpretation and have decided to be proactive in requesting this interpretation from the Florida Building Commission.

Sincerely,



Wayne R Thorne