

INDIAN RIVER COUNTY
BUILDING DIVISION
INTEROFFICE MEMORANDUM

TO: Jason E. Brown
County Administrator

DATE: December 29, 2017

SUBJECT: Consideration of a Resolution Clarifying and Updating Rules for the Construction Board of Adjustment and Appeals, and Notice of Model Administrative Code Addition and Clarification

THROUGH: Stan Boling, Director
Community Development Department

FROM: Scott P. McAdam, MCP, CBO
Building Official

It is requested that the data herein presented be given formal consideration by the Board of County Commissioners at its regular meeting of January 9, 2018.

BACKGROUND & ANALYSIS:

At midnight December 31, 2017 the Florida Building Code 2017 6th Edition regulations went into effect as scheduled and were applied to all building permit applications submitted on and after the first business day of 2018 (January 2, 2018). The new regulations do not propose significant new construction requirements compared to the 2014 5th Edition code, and were automatically incorporated by reference into IRC Code Section 401.01 standard technical codes. Through training sessions and various notifications provided during the summer and fall, the County Building Division has prepared contractors, staff, and other interested parties regarding the code change.

Also adopted into the IRC Code by reference are portions of the Model Administrative Code developed by the Building Officials Association of Florida (BOAF). The administrative code deals with administration of the Florida Building Code (FBC) and does not add any technical construction requirements to the FBC regulations.

In preparing for the code changes and handling a recent construction variance case, it came to staff's attention that certain aspects of the construction variance board rules need to be updated and certain sections of the BOAF Model Administrative Code need to be

added to clarify the administrative policies and rules used by staff. The Model Code sections include Section 105.2 regarding work that is exempt from permitting and Section 105.5 regarding expiration of demolition permits and administrative rules for expired permits. By way of this agenda item, staff is providing notice to the Board of County Commissioners that these Model Code sections are being added to clarify staff's code administration policies and rules.

Clarification is also needed, consistent with the building code, regarding the composition of the Construction Board of Adjustment and Appeals and updated rules governing that board. The construction variance board is established by County ordinance, has operated for many years, and is a necessary part of administering the building code even though the board rarely meets. The Building Official and the County Attorney's Office have worked closely together to draft a resolution clarifying and updating various aspects of the construction variance board, consistent with applicable law and local practice. The proposed resolution is supported by the Building Official and County Attorney's Office, and will update and clarify existing practice.

RECOMMENDATION

Staff recommends that the Board of County Commissioners approve the attached proposed resolution clarifying and updating rules for the Construction Board of Adjustment and Appeals.

ATTACHMENT

1. Proposed resolution