



Department of Planning

GUIDANCE NOTE

GN 0013-January 2020

CODE MODIFICATIONS VS ALTERNATIVE MATERIALS, DESIGN AND METHODS OF CONSTRUCTION AND EQUIPMENT

Purpose

The Department of Planning in an initiative to improve customer service has developed this Guidance Note to aid the applicant with the determination of when Alternative Materials, Design and Methods of Construction and Equipment, or a Code Modifications is warranted.

Scope

It is anticipated that the industry will have a better understanding of the differences between Section 104.10 (Modification) and Section 104.11 (Alternative Materials, Design and Methods of Construction and Equipment) and become more efficient with the submission of a request under these sections.

The building official is responsible for determining if a requested alternative provides the equivalent level of protection of public health, safety, and welfare as required by the code.

Code Modification

The building official may amend or make exceptions to the code as needed where **strict compliance is impractical**. Only the building official has the authority to grant modifications.

104.10 Modifications. Wherever there are practical difficulties involved in carrying out the provisions of this code, the building official shall have the authority to grant modifications for individual cases, upon application of the owner or owner's representative, provided the building official shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, accessibility, life and fire safety, or structural requirements. The details of action granting

modifications shall be recorded and entered in the files of the department of building safety.

This section is not intended to permit setting aside or ignoring a code provision; rather, it is intended to provide acceptance of equivalent protection.

Such modifications do not, however, extend to actions that are necessary to correct violations of the code.

In other words, a code violation or the expense of correcting one cannot constitute a practical difficulty. (2009 International Building Code, Code and Commentary, Volume 1, 2009)

Code Modification Application

The following should be considered before submission for a code modification.

1. What is the applicable code section reference and requirement?
2. What project-specific hardships make strict code compliance impractical?
3. Provide diagrams, figures, sketches, reports, or other supporting material to describe the project-specific conditions.
4. How does the proposed modification comply with the intent and purpose of the code?
5. How does the proposed modification meet or exceed the health, accessibility, life and fire safety, or structural requirements of the code?

The relevant information must be submitted along with a Code Modification application and the requisite fee.

Alternative Materials, Design and Methods of Construction and Equipment

Traditionally the code has always lagged behind the industry with technological advances and innovative ideas. The code intends to allow for these new advances that are not addressed in the code.

Section 104.11 provides the Building Code Official with the opportunity to accept Materials, Design, and Methods of Construction and Equipment when it can be demonstrated that equivalent performance is achievable and the relative safety of the building occupants is assured.

104.11 Alternative materials, design, and methods of construction and equipment.

The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the building official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code and that the material, method or work offered is, for the purpose intended, at least the

equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability, and safety.

Application

Alternative Materials, Design and Methods of Construction and Equipment

Applicant's seeking the approval of an Alternate Material shall furnish the Department of Planning with the following information:

- Product specification – signed and sealed by the product engineer, and verified by a local engineer to verify sound engineering practices unique to the Cayman Islands
- ICC-ES report for the product, or the approval of a certified testing agency (CIBC 104.11.1)
- Available test reports, additional testing may be required by the Building Official (CIBC 104.11.2)
- The product shall comply with The Cayman Islands wind and seismic design criteria, when applicable (see www.planning.ky)
- Any other pertinent information related to the request

The above information must be submitted along with an Alternate Materials and Methods application and the requisite fee.

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For additional information, please email the Department of Planning at info@planning.gov.ky or call (345) 244-6501 or visit our website at www.planning.ky.