

CLEAR TRACK PRODUCTIONS

Issue: Providing accessible high/low water fountain in a recording studio.

Analysis: The applicant is requesting a waiver from providing an accessible high/low water cooler for its staff and clients. According to the applicant, piping to the cooler would open a sound penetrating pathway into the walls of the recording studio. The applicant feels the additional sound generated by the cooling equipment is not acceptable. The applicant also objects to the treated water supplied by the city. NOTE: Section 11-4-1.3(10) allows accessibility to be provided by the high/low fountain; by two standard drinking fountains mounted to accommodate wheelchair users and those having difficulty bending; or by an accessible water fountain and a cooler.

Project Progress:

The project is completed.

Items to be Waived:

Accessible drinking fountains, as required by Section 11-4.1.3(10).

(10) Drinking fountains:

- (A) Where only one drinking fountain is provided on a floor, there shall be a drinking fountain which is accessible to individuals who use wheelchairs in accordance with 11-4.15 and one accessible to those who have difficulty bending or stooping. (This can be accommodated by the use of a hi-10 fountain: by providing one fountain accessible to those who use wheelchairs and one fountain at a standard height convenient for those who have difficulty bending; by providing a fountain accessible under 11-4.15 and a water cooler; or by such other means as would achieve the required accessibility for each group on each floor.)

Waiver Criteria: There is no specific guidance for a waiver of this requirement in the code. The Commission's current rule, authorized in Section 553.512, Florida Statutes, provides criteria for granting waivers and allows consideration of unnecessary or extreme hardship to the applicant if the specific requirements were imposed.

**REQUEST FOR WAIVER FROM ACCESSIBILITY REQUIREMENTS
OF CHAPTER 553, PART V, FLORIDA STATUTES**

Your application will be reviewed by the Accessibility Advisory Council and its recommendations will be presented to the Florida Building Commission. You will have the opportunity to answer questions and/or make a short presentation, not to exceed 15 minutes, at each meeting. The Commission will consider all information presented and the Council's recommendation before voting on the waiver request.

1. Name and address of project for which the waiver is requested.

Name: Clear Track Productions (a sound recording studio)

Address: 816 Franklin St., Clearwater FL 33756

2. Name of Applicant. If other than the owner, please indicate relationship of applicant to owner and written authorization by owner in space provided:

Applicant's Name: Michael Johnson

Applicant's Address: 816 Franklin St., Clearwater FL 33756

Applicant's Telephone: (727) 449-8888 **FAX:** (727) 449-8881

Applicant's E-mail Address: mike@cleartrackproductions.com

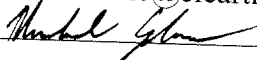
Relationship to Owner:

Owner's Name: Michael Johnson

Owner's Address: 816 Franklin St., Clearwater FL 33756

Owner's Telephone: (727) 449-8888 **FAX:** (727) 449-8881

Owner's E-mail Address: mike@cleartrackproductions.com

Signature of Owner: 

Contact Person: Michael Johnson

Contact Person's Telephone: (727) 449-8888 **Email:** Mike@cleartrackproductions.com

This application is available in alternate formats upon request.

Form No. 2001-01

3. Please check one of the following:

- New construction.
- Addition to a building or facility.
- Alteration to an existing building or facility.
- Historical preservation (addition).
- Historical preservation (alteration).

4. Type of facility. Please describe the building (square footage, number of floors). Define the use of the building (i.e., restaurant, office, retail, recreation, hotel/motel, etc.)

1800 sq. ft. single floor sound recording studio.

5. Project Construction Cost (Provide cost for new construction, the addition or the alteration): \$49,000

6. Project Status: Please check the phase of construction that best describes your project at the time of this application. Describe status.

Under Design Under Construction*

In Plan Review Completed*

* Briefly explain why the request has now been referred to the Commission.

It was finally discovered that a Hi-Lo water cooler is required by A.D.A., which would open a sound penetration pathway into the walls of the recording studio thru water pipes required for supplying and draining water.

7. **Requirements requested to be waived.** Please reference the applicable section of Florida law. Only Florida-specific accessibility requirements may be waived.

Issue

1: Hi-Lo water cooler required by A.D.A. -- Florida Building Code 11-4.1.3 (10) ~~9~~ 11-4.1.6 (2)

Issue

2: _____

Issue

3: _____

8. **Reason(s) for Waiver Request:** The Florida Building Commission may grant waivers of Florida-specific accessibility requirements upon a determination of unnecessary, unreasonable or extreme hardship. Please describe how this project meets the following hardship criteria. Explain all that would apply for consideration of granting the waiver.

The hardship is caused by a condition or set of conditions affecting the owner which does not affect owners in general.

Hi-Lo water cooler required by A.D.A. would open a sound penetration pathway into the sound recording studio thru water pipes required for supplying and draining water. Water sounds travel the length of a pipe and vibrate walls at contact points. An additional noise source into these pipes and thus the walls, and thus the air, is the refrigeration unit in a Hi-Lo water cooler. Furthermore, this water cooler would be connected to city water supply, which is foul-tasting and contaminated with chloramines and fluoride and which we will not subject our clients and staff to. We can continue to employ our 5-gallon water cooler.

General public doesn't have access to this studio; entrance is by invitation only.

Substantial financial costs will be incurred by the owner if the waiver is denied.

[] The owner has made a **diligent investigation** into the costs of compliance with the code, but cannot find an efficient mode of compliance. Provide detailed cost estimates and, where appropriate, photographs. Cost estimates must include bids and quotes.

9. **Provide documented cost estimates for each portion of the waiver request and identify any additional supporting data which may affect the cost estimates.** For example, for vertical accessibility, the lowest documented cost of an elevator, ramp, lift or other method of providing vertical accessibility should be provided, documented by quotations or bids from at least two vendors or contractors.

a. _____

b. _____

c. _____

10. **Licensed Design Professional:** Where a licensed design professional has designed the project, his or her comments **MUST** be included and certified by signature and affixing of his or her professional seal. The comments must include the reason(s) why the waiver is necessary.

(Our studio designer resides in North Carolina.)

Signature

Printed Name

Phone number _____

(SEAL)

CERTIFICATION OF APPLICANT:

I hereby swear or affirm that the applicable documents in support of this Request for Waiver are attached for review by the Florida Building Commission and that all statements made in this application are to the best of my knowledge true and correct.

Dated this 15th day of January, 2010


Signature

Michael Johnson
Printed Name

By signing this application, the applicant represents that the information in it is true, accurate and complete. If the applicant misrepresents or omits any material information, the Commission may revoke any order and will notify the building official of the permitting jurisdiction. Providing false information to the Commission is punishable as a misdemeanor under Section 775.083, Florida Statutes.

REVIEW AND RECOMMENDATION BY LOCAL BUILDING DEPARTMENT.

Please state why the issue is being referred to the Florida Building Commission as well as a recommendation for disposition. The Building Official or his or her designee should review the application and indicate that to the best of his or her knowledge, all information stipulated herein is true and accurate. Further, if this project is complete, explain why it is being referred to the Commission. The Building Official or his or her designee should sign a copy of the plans accompanying this application as certification that such plans are the same as those submitted for building department review. Please reference the applicable section of the Accessibility Code.

- a. We interpret the code to require this project to include an accessible drinking fountain through a combination of Plumbing code and accessibility chapter of the Building code. This facility is a recording studio. Reference Building Code sections 11-4.1.3 (10) and 11-4.1.6 (2).
- b. Applicant states super-sensitive recording equipment will be adversely affected by the noise of the water fountain.
- c. Water can be provided to all occupants through alternate means. Accessibility is addressed through bottled water. _____

Has there been any permitted construction activity on this building during the past three years? If so, what was the cost of construction?

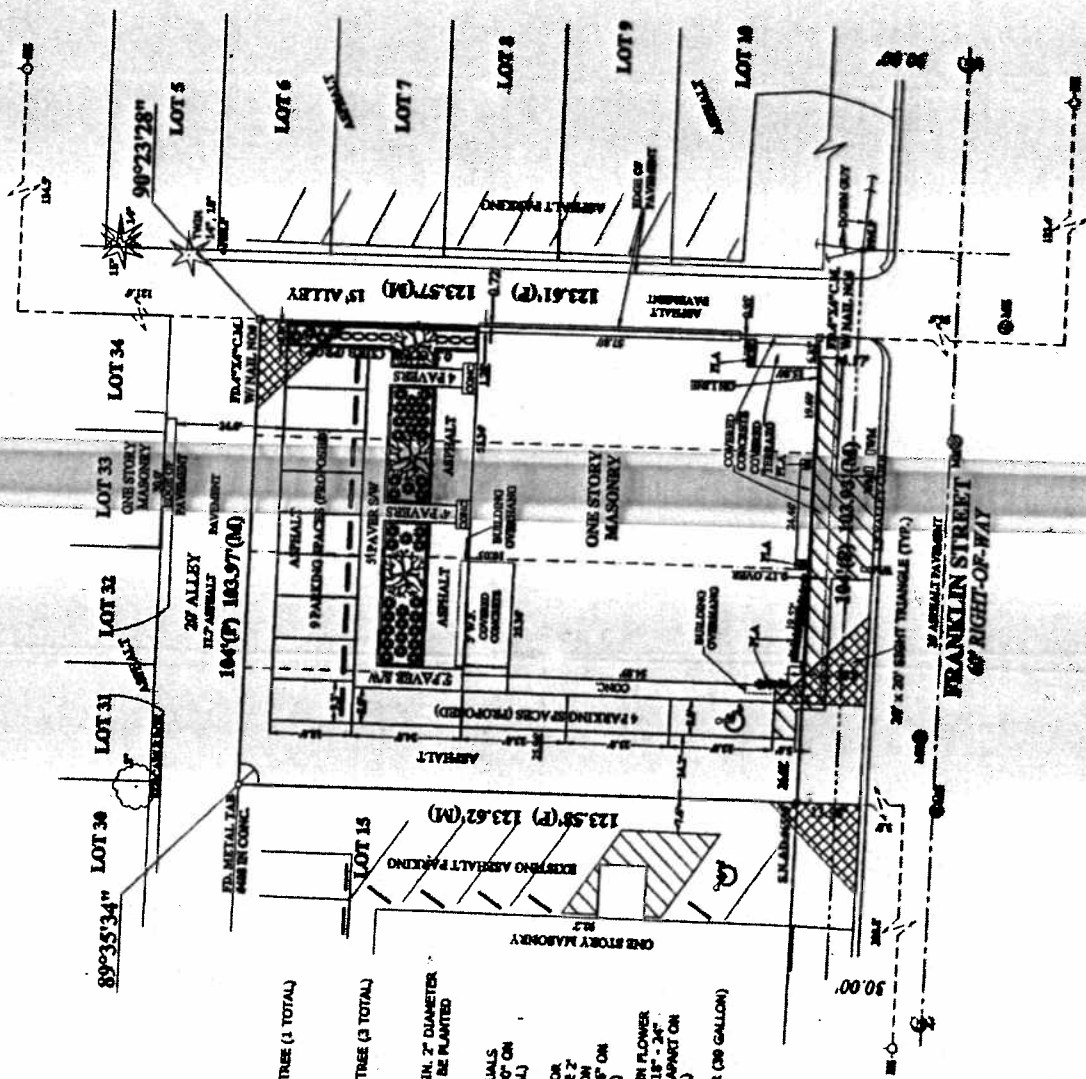
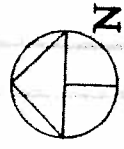
[] Yes [X] No Cost of Construction _____

Comments/Recommendation: The City of Clearwater has no objection to the applicants' request. City of Clearwater's drinking water meets or exceeds all state and federal guidelines for clean, safe drinking water. Chloramines are the disinfectant used to keep bacteriological growth from occurring in the drinking water. Disinfecting drinking water is a requirement of the Safe Drinking Water act. Although the City does not add fluoride to its drinking water, we have .6 ppm in our drinking water obtained from mixing our locally produced water with the water purchased from Pinellas County. The health effects of fluoride have been analyzed over 50 years and have been found to be safe and effective in reducing tooth decay.

Jurisdiction: City of Clearwater Florida
 Building Official or Designee Kevin Garriott
 Signature _____
 Printed Name Kevin Garriott
 Certification Number BU854
 Telephone/FAX 727-562-4588

Address: 100 South Myrtle Avenue, Suite 210, Clearwater, Florida 33756

SECTION 15, TOWNSHIP 29 SOUTH, RANGE 15 EAST
PINELLAS COUNTY, FLORIDA



- LEGEND**
- EXISTING OAK TREE (1 TOTAL)
 - SIZE
 - EXISTING PALM TREE (3 TOTAL)
 - SIZE
 - AZALEA TREE (MIN. 2" DIAMETER AND 8' TALL) TO BE PLANTED (3 TOTAL)
 - FLOWERING ANNUALS TO BE PLANTED 30" ON CENTER (15 TOTAL)
 - FLORIDA PRIVET OR VIBURNUM HEDGE 2' HEIGHT - 3 GALLON TO BE PLANTED 36" ON CENTER (7 TOTAL)
 - MULCHED OR TWIN FLOWER GROUND COVER - 18" - 24" TO BE PLANTED 3' APART ON CENTER (48 TOTAL)
 - TRASH CONTAINER (30 GALLON)

- SURVEYOR'S NOTES**
- 1) OVERALL AREA OF PROPERTY IS 13,047.1 SQ. FT. OR 300 ACRES MORE OR LESS.
 - 2) AREA OF EXISTING IMPROVED SURFACE IS 18,711.5 SQ. FT. OR 4.28 ACRES MORE OR LESS. AREA OF PROPOSED IMPROVED SURFACE IS 11,486.4 SQ. FT. OR 2.62 ACRES MORE OR LESS.
 - 3) FLOOR AREA OF BUILDING IS 4,111.5 SQ. FT. OR 0.94 ACRES MORE OR LESS. REQUIRED PARKING - 21 SPACES.
 - FLAK STANDARD PARKING REQUIRED: 2 SPACES/100 SQ. FT. OF BUILDING - 1 SPACES/100 SQ. FT. 5,111.5 SQ. FT. 11 SPACES TOTAL 13 SPACES AND 1 HANDICAPPED PARKING SPACES - 13 TOTAL PARKING SPACES.
 - 4) AUTOMATIC IRRIGATION SYSTEM WITH MAIN CONTROLLER AND SERVICE WHICH COVERS 100% OF ALL LANDSCAPED AREAS TO BE INSTALLED.
 - 5) ALL NEW PLANTINGS TO BE COVERED IN A MINIMUM OF 2" ORGANIC MULCH PER CITY OF CLEARWATER.
 - 6) SITE IS RELY DEVELOPED FOR EXISTING USE. ESTABLISHED PLANTING TO REMAIN.
 - 7) BUILDING HEIGHT - 15'6" FROM FINISHED GRADE OR 13'7" FROM ADJACENT.
 - LOT 10 FOOTAGE - 12,461.1 SQ. FT. BUILDING FOOTAGE - 8,124.5 SQ. FT. PARKING/DRIVEWAY AREA - 1,514.6 SQ. FT. AN VEHICULAR USE LANDSCAPED AREA REQUIREMENT - 761.5 SQ. FT. REQUIRED LANDSCAPED AREA - 761.5 SQ. FT.

#16 FRANKLIN ST
#072008-11244
CLEAR TRACK PRODUCTIONS

RECEIVED
MAR 31 2009
DEVELOPMENT SVCS
CITY OF CLEARWATER

James L. Payne
JAMES L. PAYNE, INC.
1100 10th Street
Clearwater, FL 34615
PH: (813) 792-1111
FAX: (813) 792-1111

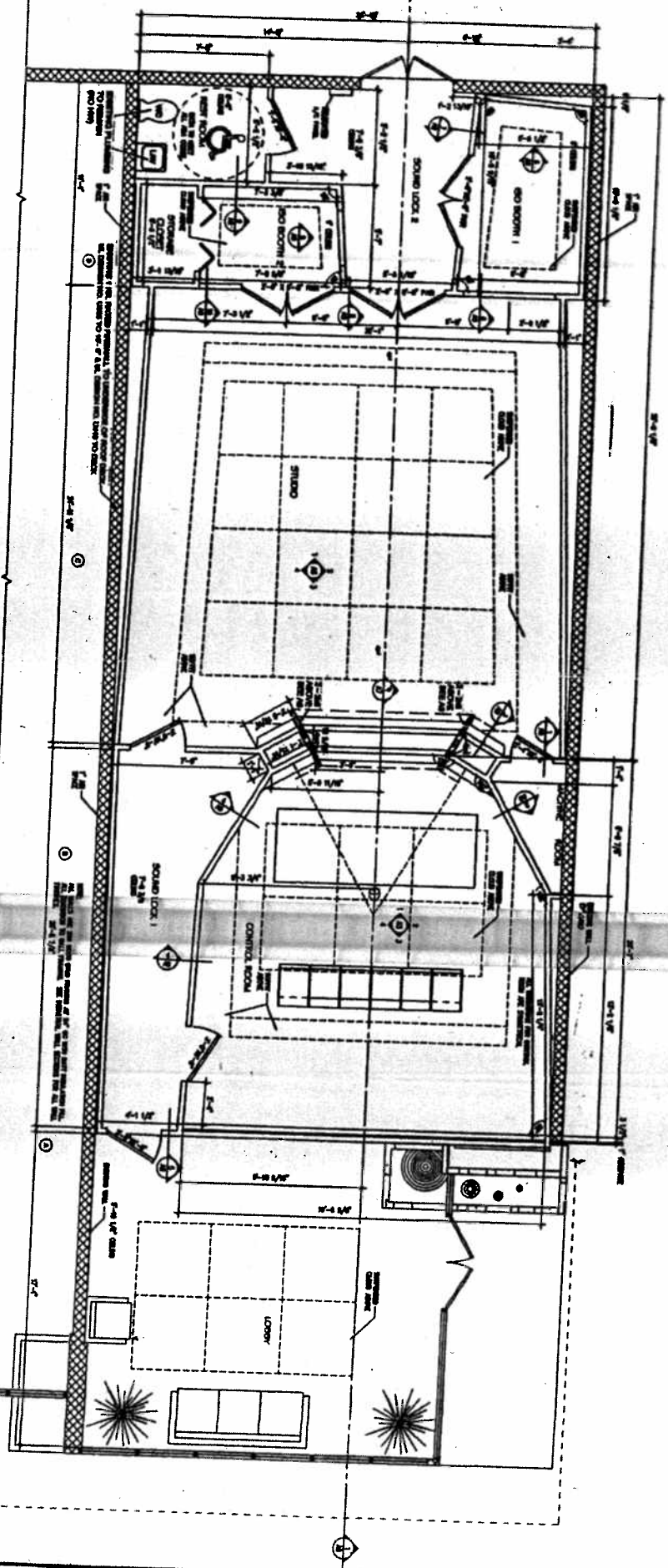
J.L. PAYNE AND ASSOCIATES, INC.
1000 10th Street
Clearwater, FL 34615
PH: (813) 792-1111
FAX: (813) 792-1111

REVISED PER CITY OF CLEARWATER
3-0-000

LEGAL DESCRIPTION: LOT 15, 15.00 AC. BEING A PART OF TOWNSHIP 29 SOUTH, RANGE 15 EAST, PINELLAS COUNTY, FLORIDA.
TYPE OF SURVEY: LAND OR SUBDIVISION
DATE: JANUARY 17, 2009
CHECKED BY: CLASSICAL SURVEY / CLEAR TRACK PRODUCTIONS

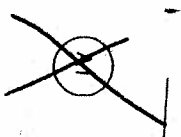
LANDSCAPE PLAN
APPROVED AS NOTED
BY: *Michael D. DeGros*
DATE: 10-26-09

<p>FLOOD HAZARD: "X" ACCORDING TO FLOOD INSURANCE RATE MAPS. INSURANCE: 1-0-0</p> <p>PREPARED WITHOUT BENEFIT OF TITLE COMMITMENT POLICY</p> <p>NO WARRANTIES OR GUARANTEES ARE MADE BY THE SURVEYOR AS TO THE ACCURACY OF THE INFORMATION PROVIDED HEREON. THE SURVEYOR IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THIS SURVEY.</p>	<p>ADDRESS: 814 FRANKLIN STREET CLEARWATER, FLORIDA</p> <p>NO TRAILERS OR PLAT ANGLES TRIMMED IN FIELD</p>	<p>JOB NO. 09-29</p>
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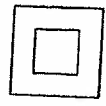
FIRST FLOOR PLAN

P. J. ...
 Broward and Associates
 Architects and Planners
 1111 ...



DATE: 10/20/08
 NOV 11 2008

FLOOR PLAN



WES LACHOT
 DESIGN

CLEAR TRACK
 PRODUCTIONS
 816 FRANKLIN STREET
 CLEARWATER, FLORIDA 34625
 INTERIOR RENOVATION