

## **NO NAME JAVA**

**Issue:** Alterations to an existing toilet room in a facility not open for interior access to the public.

**Analysis:** The applicant is performing minor work in a small building (painting and installing a gas coffee roaster) which according to the code are not considered alterations. However, the local jurisdiction is designating this as a change of use from a used car lot office to a structure selling site roasted coffee beans. The public does not go inside and there is nothing offered onsite for consumption. According to the applicant, the coffee is sold primarily via internet access and the only public sales are pedestrian walk up. Furthermore, the applicant states that no public toilets are required in a business with no public access pursuant to the plumbing code. The issue arose when the contractor applied for a permit to install the gas roaster.

### **Project Progress:**

The project is complete.

### **Items to be Waived:**

Disproportionate Cost: In choosing which accessible element to provide, priority should be given to those elements that will provide the greatest access in the following order.

(i)

(ii)

(iii) At least one accessible restroom for each sex or a single unisex restroom.

**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.

This application is available in alternate formats upon request.

**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: \_\_\_\_\_ No Name Java \_\_\_\_\_

Address: \_\_\_\_\_ 2060 Central Ave. \_\_\_\_\_  
\_\_\_\_\_ Saint Petersburg, FL 33712 \_\_\_\_\_

**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: \_\_\_\_\_ (OWNER) \_\_\_\_\_

Applicant's Address: \_\_\_\_\_

Applicant's Telephone: \_\_\_\_\_ FAX: \_\_\_\_\_

Applicant's E-mail Address: \_\_\_\_\_

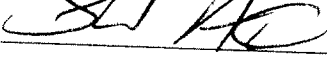
Relationship to Owner: \_\_\_\_\_

Owner's Name: \_\_\_\_\_ Todd Namik \_\_\_\_\_

Owner's Address: \_\_\_\_\_ 485 31<sup>st</sup> Ave. N., Saint Petersburg, FL 33704 \_\_\_\_\_

Owner's Telephone: \_\_\_\_\_ 727-741-2249 \_\_\_\_\_ FAX \_\_\_\_\_

Owner's E-mail Address: \_\_\_\_\_ Todd@NoNameJava.com \_\_\_\_\_

Signature of Owner:  \_\_\_\_\_

Contact Person: \_\_\_\_\_ (OWNER) Todd Namik \_\_\_\_\_

Contact Person's Telephone: 727-741-2249 E-mail Address: Todd@NONAMEJAVA  
\_\_\_\_\_ .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.)

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**Coffee Roaster**

- Small stand alone building. Exterior dimensions of aprox 14' x 19' divided into 2 areas consisting of main area of aprox 186 sq. ft. and existing restroom. Main area is to be used entirely for coffee roasting and packaging.

- Business sells fresh roasted coffee beans primarily through internet sales, off-site markets and through walk up window. We do not sell/serve on-site consumables and do not have customer seating. Customers are not permitted inside building.

-Business is owner operated and has no employees other than myself.

**5. Project Construction Cost (Provide cost for new construction, the addition or the alteration):**

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\_ Aprox \$1250. Total alteration/improvements to building consisted of painting interior & exterior, installation of roasting equipment and new gas installation (to be completed) ONLY.

**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.

**Business permit was obtained by mistake of city of Saint Petersburg. Project is complete (pending final inspections). Restroom access was not noted until subsequent application for gas permit was submitted at which time the building dept. declared this to be a "Change of use".**

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

**Issue**

1:  **Alterations to existing restroom to comply with updated code requirements for ADA accessibility and interior access.**

**Request waiver to following:**

- **Chapter 11-4.1.6 (1) (b) and (2) Alterations**
- **Containing a Primary Function**
- **Florida Plumbing Code (2004) 403.4**

**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.

**Business permit was obtained by mistake of city of Saint Petersburg. Project is complete (pending final inspections). Restroom access was not noted until subsequent application for gas permit was submitted at which time the building dept. declared this to be a "Change of use".**

**Business is owned and run entirely by myself and has no onsite customer facilities (no seating, public restrooms or onsite consumables).**

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

**Compliance would require major structural improvement to a leased space – the cost of which would far exceed total costs of business start-up.**

[ ] 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. Documentation has not been provided as costs to comply with code would be unaffordable even at the lowest verbal estimates. \_\_\_\_\_

\_\_\_\_\_

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.

N/A \_\_\_\_\_

\_\_\_\_\_  
**Signature** **Printed Name**

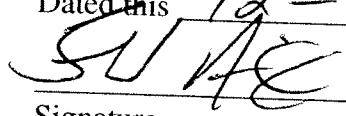
**Phone number** \_\_\_\_\_

**(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 12<sup>th</sup> day of May, 2008

  
Signature

TODD NAMIK  
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. CHAPTER (1-4.1.6(1)(b) AND (2) ALTERATIONS
- b. CONTAINING A PRIMARY FUNCTION.
- c. FLORIDA PLUMBING CODE (2004) 403.4

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

Yes  No Cost of Construction                     

Comments/Recommendation I support a waiver with  
a conditional Certificate of Occupancy

Jurisdiction City of St Petersburg

Building Official or Designee   
Signature

Printed Name Ricky E Dunnon

Certification Number PBC 259

Telephone/FAX 727 551 339 551 3230

Address: One - Fourth St. No

No Name Java  
2060 Central Ave.  
Saint Petersburg, FL 33712  
727-741-2249

5/12/08

Department of Community Affairs  
**FLORIDA BUILDING COMMISSION**  
2555 Shumard Oak Boulevard  
Tallahassee, FL 32399-2100

RE: Request for Waiver from Accessibility Requirements

To Whom It May Concern:

I am requesting a waiver from providing a handicap accessible restroom with an entry from within my coffee roaster.

No Name Java is a specialty coffee bean roaster with sales primarily through the Internet, off-site markets and via a walk up window as show in attached floor plan. This is an owner/operated business run solely by myself and in industry terms is considered a Micro-Roaster. We do not offer any on-site consumable (no ready made drinks – just fresh roasted coffee BEANS) and have no seating. Nor are we required to have publicly accessible restroom facilities.

Business is located in a small 14' x 19' freestanding concrete building (originally a Used Car Lot) located in the Grand Central District of downtown Saint Petersburg in a designated 'Enterprise Zone'. And consists of approximately 186 square feet of coffee processing area (certified by the Florida Department of Agriculture – Firm #319488) and an existing restroom accessible from outside the building (see attached floor plan).

When I originally went to the City of Saint Petersburg to establish my business, I was directed to the city's zoning department, and then the building department. After completing the application process, I was told I was approved on 2/20/08 for both - pending final inspections. I then proceeded to make necessary alterations to property (which where very limited and included only painting and installing coffee roasting equipment, free standing racks etc.). Upon completion of cosmetics - just prior to calling for final inspections – my gas contractor went to the city to pull a gas permit on 4/8/08. At which time the city's building departments plan reviewer added ADA and restroom requirements (along with many others, which all have been since complied with) to Gas Permit plan review requirements as they deemed this a change of use from previous occupancy and require to be brought to current code. 'Change of Use' requirements had not been brought up prior to this.

Opening has subsequently been delayed since the second week of April.



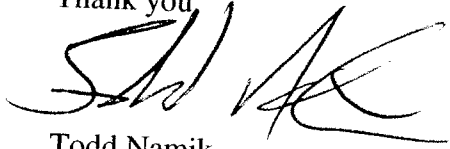
I implore you to grant my waiver request on the basis that it is:

A. Unnecessary – I am the only one who will be working here and do not require such facilities.

B. Unreasonable – Due to the timing of the request. If I had been notified of these requirements initially I would have chosen another location prior to investing so much time and money.

C. Would create a Financial Hardship – Although estimates are not provided, costs to comply would include removal of a concrete block wall, enclosing existing entry in concrete wall and modification of all plumbing. The cost of which I can not afford and would end my business before even getting started.

Thank you

A handwritten signature in black ink, appearing to read 'Todd Namik', written in a cursive style.

Todd Namik

**Department of Community Affairs  
FLORIDA BUILDING COMMISSION  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100**

**NOTICE TO WAIVER APPLICANTS**

Please make certain you comply with the following:

- The person submitting the waiver request application as the Applicant **MUST** sign the application. Should you fail to do so, your application will be returned.
- If a licensed design professional (architect or engineer) has designed the project, his or her comments **MUST** be included as a part of this application.
- Be as explicit as possible. The more information provided to the Florida Building Commission, the more informed its decisions can be. If you are claiming financial hardship, please specify why and to what degree.
- If at all possible, **PLAN TO ATTEND the Accessibility Advisory Council and the Florida Building Commission meetings**. Sometimes pertinent facts are inadvertently omitted, or information provided/presented in the Request for Waiver application is not clear. Your attendance at the meetings to answer questions will enhance the possibility of the waiver being approved, since the Council and the Commission will receive the most complete information – from you. When we receive the completed application, we will send you a notice of the time, date, and place for both the Council and the Commission meetings.

Enclosed is a **List of Required Information** and the **Request for Waiver** application.

If you have any questions or would like additional information, please call the Codes and Standards Section at (850) 487-1824.

**Please mail** this application to the Department of Community Affairs at the address above. **As well as a hard copy, please include a copy of the application and drawings or plans on a CD in PDF format. NOTE: Please do not send CAD files, but rather scan the CAD files and save as a pdf. Must be in Microsoft Compatible format.**

**NOTE: Failure to submit electronically will not have any bearing on whether your petition is heard by the Commission, however, electronic filing will facilitate the Commission's movement toward utilizing CD technology to display the waiver application and attached floor plans to the Counsel and Commission.**

