

EAST MANATEE FIRE & RESCUE STATION #6

Issue: Accessibility in toilet facilities used exclusively by firefighters.

Analysis: The applicant is requesting a waiver from providing accessible toilets in the portion of a new fire station that is occupied exclusively by firefighters. The project is a one story 14,316 square foot building that costs \$2,100,000. According to the applicant, all firefighter personnel must be physically able in accordance with Sections 633-30-633.35, F. S. and NFPA Standard 1582. Areas open to the public are fully accessible, including toilet rooms. Department of Justice regulations permit state and local governments to use either ADAAG or UFAS; in this instance, the building was designed using UFAS. Section 4.1.4(5) of UFAS states that the application of the code should apply to all areas for which the intended use will require public access or which may result in the employment of physically handicapped persons.

Project Progress:

The project is under design.

Items to be Waived:

Accessible toilets, as required by Section 11-4.1.2(6).

11-4.1.2(6) If toilet facilities are provided on a site, then each such public or common use toilet facility shall comply with Section 11-4.22.

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: East Manatee Fire Rescue Station #6

Address: 3200 Lakewood Ranch Boulevard, Bradenton, Florida 34211

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: Chief Byron Teates

Applicant's Address: 3200 Lakewood Ranch Boulevard, Bradenton, Florida 34211

Applicant's Telephone: (941) 751-5611 **FAX:** (941) 751-5910

Applicant's E-mail Address: BTeates@EMFR.ORG

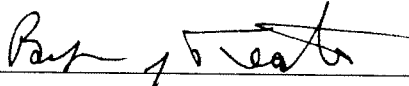
Relationship to Owner: East Manatee Fire Rescue District Fire Chief

Owner's Name: East Manatee Fire Rescue District

Owner's Address: 3200 Lakewood Ranch Boulevard, Bradenton, Florida 34211

Owner's Telephone: (941) 751-7675 **FAX:** (941) 751-7694

Owner's E-mail Address: BTeates@EMFR.ORG

Signature of Owner: 

Contact Person: Garry L. Roberts

Contact Person's Telephone: (941) 748-2604 **E-mail Address:** Garry.Roberts@dtw-fl.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.)

The building will be a one-story 14,316 square foot Fire Station. A Fire Station is operational 24 hours a day, 7 days a week and its occupants are firefighters as defined by and meeting the requirements of Florida Statutes 633.30 – 633.35. This facility will serve as a central location in which to provide the community with a full array of emergency response services.

5. Project Construction Cost (Provide cost for new construction, the addition or the alteration): Approximately \$2,100,000.00

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.

Manatee County Building Department issued plan review comments for Southern Manatee Fire & Rescue District Station #3 on September 21, 2009 pursuant to 2007 FBC Section 11-4.1.3(11), and 11-4.22 regarding accessibility. We are currently 95% complete with the architectural and engineering construction documents. As we are nearing completion of the design and submittal to Manatee County, we anticipate receipt of these comments will also be issued upon review of this proposed facility (East Manatee Fire Rescue Station #6).

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

Issue

1: Florida Statutes Title XXXIII Regulation of Trade, Commerce, Investments, and Solicitations Chapter 553 Part II Accessibility by Handicapped Persons Section 553.503, Florida Statutes that state "This code shall apply to State & Local Governmental Facilities."

Issue

2: Florida Statutes Title XXXIII Regulation of Trade, Commerce, Investments, and Solicitations Chapter 553 Part II Accessibility by Handicapped Persons Section 553.504 Exceptions to applicability of the guidelines (12) a-c.

Issue

3: Chapter 11 Florida Accessibility Code for Building Construction Part A 11-4 Accessible Elements and Spaces: Scope Technical requirements 11-4.1.2 (6), 11-4.22 Toilet Rooms, 11-4.23 Bathrooms, Bathing Facilities, and Shower Rooms.

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.

The hardship is a result of a condition that is not accounted for under the code. A Fire Station is a facility used mainly to house firefighting equipment and firefighters. The minimum requirements to qualify as Florida Statutes 633.30 – 633.35, govern a firefighter. Under these sections there is a requirement that a firefighter be in good physical condition as outlined by the National Fire Protection Association (NFPA) Standard 1582. Not under any circumstances would an individual with a disability be qualified to be a firefighter. Therefore making the requirement of the accessibility code impractical for those areas of the Fire Station that would not be open to the public.

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. Each bathroom would require the following:	Labor & Materials
1. Wood backing for grab bars lavatories and accessories	\$90.00
2. Grab bars at toilet (1-36" and 1'42")	\$100.00
3. Grab bars at showers (1-18" and 1-30" or 1-L shape)	\$80.00
4. Shower control and h/c kit	\$275.00
5. Shower seat	\$320.00
6. Handicap toilet instead of standard toilet	<u>\$180.00</u>
	\$1,045.00
b. Four (4) bathrooms @ \$1,045 =	\$4,180.00
Engineering Fee =	<u>\$2,500.00</u>
Total =	<u>\$6,680.00</u>

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.

The following comments pertain to New Fire Station #6, 3200 Lakewood Ranch Boulevard, in particular to bathrooms 122, 127, and 128. Door 101b separates firefighter areas from public spaces. As per Federal Register 28 CFR Part 35 Section 35.151 and 36 CFR Part 1191, the Department of Justice's Title II Regulations give State and Local Governments the option of choosing between designing, constructing, or altering their facilities in conformance with UFAS or with ADAAG. We choose to use UFAS which includes Occupancy Classification Section that is not included in the ADA. This Section 4.1.4(5) deals with Fire Stations and states that the application of the code should apply to: "All Areas for Which the Intended Use will require Public Access or Which May Result in Employment of Physically Handicapped Persons." Based on this we contend that the bathrooms for the firefighters do not need to comply with the accessibility requirement.

Please note that we are providing an accessible toilet room in the front part of the Fire Station where the public will have access.

Signature

Phone number: (941) 748-2604

(SEAL)

Printed Name

Garry L. Roberts

Vice President, Qualifying Architect

Design Team West, Inc.

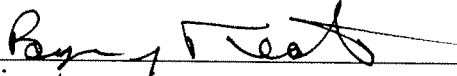
435 12th Street West

Bradenton, FL 34205

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 20th day of OCTOBER, 2009


Signature

Chief Byron Teates
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. 2007 F.B.C. Sec. 11-4.1.3. (11)
- b. 2007 F.B.C. Sec. 11-4.2.2
- c. 2007 F.B.C. Sec. 11-4.2.3

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: SEE ATTACHED.

Possible EMS. Personal to Use Station

Jurisdiction: MANATEE. CO.

Building Official or Designee Thomas Cook

Signature
THOMAS COOK

Printed Name

BU 1667
Certification Number

941-748-4501
Telephone/FAX

Address: 1112 MANATEE AVE WEST 2nd FLOOR
BRADENTON, FL. 34205



Fw: Accessibility Requirements

Carroll Dupre to: Garry Roberts

10/06/2009 08:46 AM

John Barnott, Larry Graveline" <Larry.Graveline@dtw-fl.com/OU=,
Cc: "Foster Gover" <FGover@southernmanateefd.org/OU=, "Mike
Carter" <Mike.Carter@mcconst.com/O=,/,

Mr. Roberts,

Mary-Kathryn Smith's response is provided below for your review. Along with my previous conversations with Robin at the Department of Justice and Dennis Cannon with the Uniform Federal Accessibility Standards I believe this concludes what is required to provide compliance. If you feel further conversation is required, please feel free to schedule a meeting with myself and whoever you choose to have present to conclude this issue and move on with the project at hand. I will comply with the Americans with Disabilities Act without reservations. A waiver from the Florida Building Commission will be required to alter my decision.

Thank You. C.J. Dupre'

My e-mail sent to Ms. Smith with Department of Community Affairs with her response below.

Ms. Smith,

Could you please direct me to the section(s) of the code which allows the building official to waive accessibility requirements based on a previous waiver from another jurisdiction. I was under the understanding a waiver needed to be applied for even under similar circumstances. I was not aware, as the building official I had the authority to eliminate this process.

Thanks You, CJ Dupre'

Mr. Carroll "CJ" Dupré ,CBO
Manatee County Building Official
Inspections& Review Manager
Manatee County Building Department
E-Mail - carroll.dupre@mymanatee.org
Ph. (941) 748-4501 Ext. 3072
Fax. (941) 749-3098

----- Forwarded by Carroll Dupre/MCG on 10/06/2009 08:24 AM -----

From: Mary-Kathryn.Smith@dca.state.fl.us
To: carroll.dupre@mymanatee.org
Date: 10/05/2009 04:58 PM
Subject: Re: Accessibility Requirements

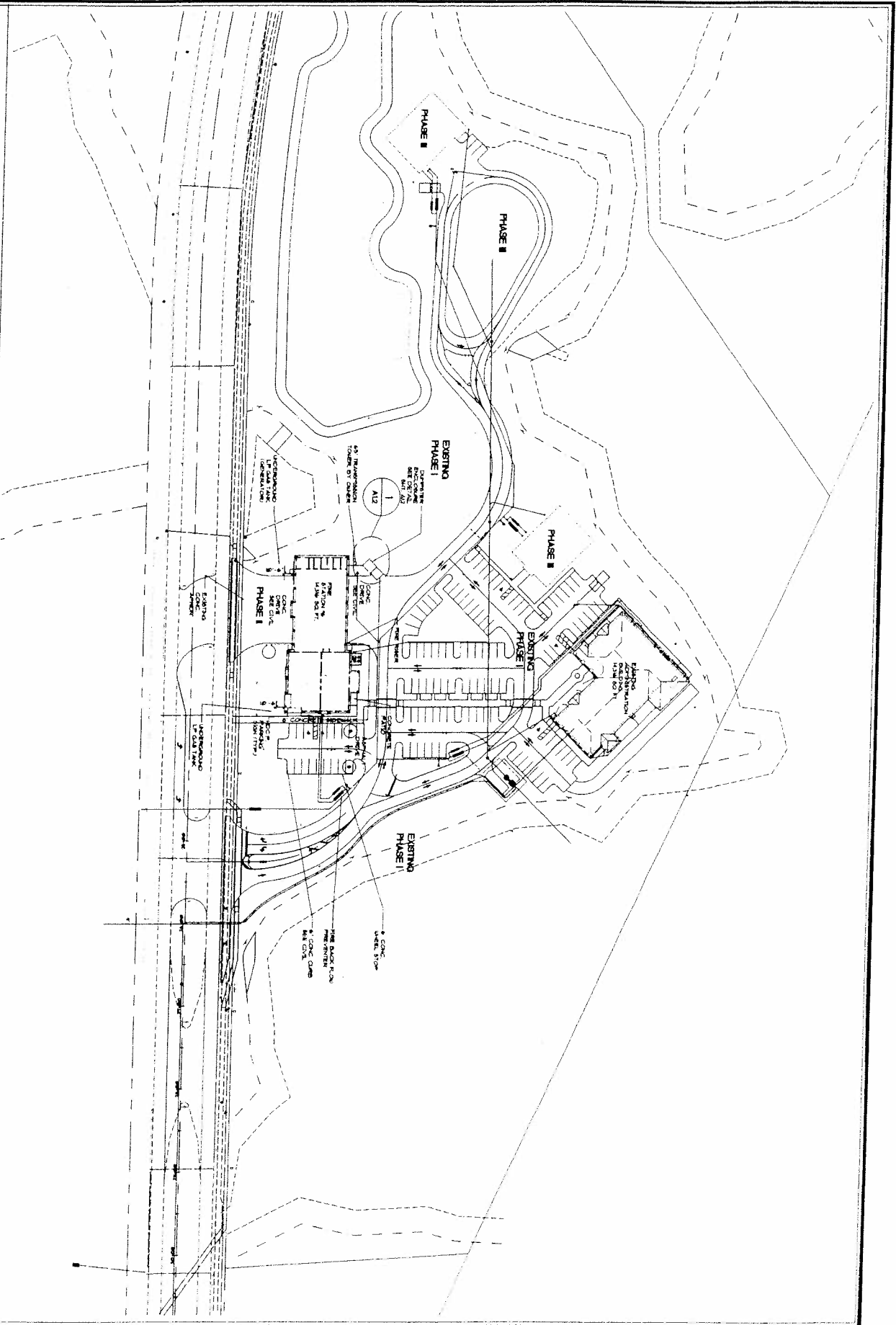
I'm not an attorney, but I'm unaware of any provision of law that would permit the building official to take such action. The only similar situation would be if an applicant had previously received a waiver and planned to **exactly** replicate a project in a different location. If that occurs, the application is submitted and staff verifies that the conditions are identical; the project then goes on a consent agenda for ratification by the Commission, but the process must still be followed. MK

The Department of Community Affairs is committed to maintaining the highest levels of service and values your feedback. Please take a few moments to complete our Customer Service Survey by visiting <http://www.dca.state.fl.us/CustomerServiceSurvey/>. Thank you in advance for letting us know what you think.

The Florida Discount Drug Card is designed to lower the cost of prescriptions for certain Florida residents. To learn more, visit <http://www.FloridaDiscountDrugCard.com> or call toll-free 1-866-341-8894 or TTY 1-866-763-9630.

Florida has a broad public records law and all correspondence, including email addresses, may be subject to disclosure.

ARCHITECTURAL SITE PLAN
SCALE: 1" = 50'-0"



PROJECT: EMFR Fire Station #6
DRAWING NO: A11

PROJECT: EMFR Fire Station #6
Lakewood Ranch Blvd.
DRAWING TITLE: Architectural Site Plan

DESIGN TEAM WEST, INC.
DTW
435 12th Street West
Bloomington, IL 61820-7374
Tel: (309) 532-8779
Fax: (309) 532-7664

THESE PLANS AND SPECIFICATIONS ARE THE PROPERTY OF DESIGN TEAM WEST, INC. AND ARE NOT TO BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF DESIGN TEAM WEST, INC. ANY REUSE OR MODIFICATION OF THESE PLANS WITHOUT THE WRITTEN PERMISSION OF DESIGN TEAM WEST, INC. IS STRICTLY PROHIBITED.

PROJECT NUMBER	DATE
PROJECT NAME	DATE
SCALE	DATE
1" = 50'-0"	DATE
REVISION	DATE

PROJECT NUMBER	DATE
PROJECT NAME	DATE
SCALE	DATE
1" = 50'-0"	DATE
REVISION	DATE

NO.	DESCRIPTION	UNIT	QTY	PRICE	TOTAL
1	TOILET FIXTURE SCHEDULE				
2	TOILET ACCESSORY SCHEDULE				

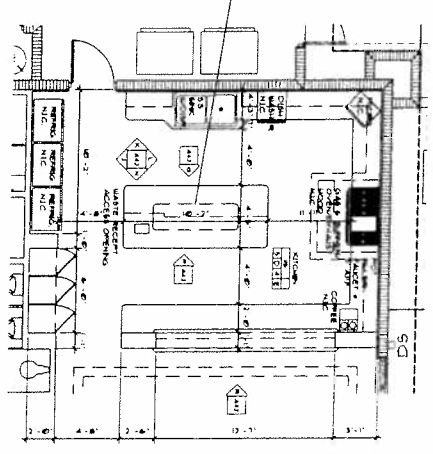
NOTE: PROVIDE PLASTIC LINING...
 ALL CABINET SUBSTRATE TO BE M. WOOD
 DETAIL SHOW CHANGES TO HOW CABINET/STAINLESS STEEL AND COORDINATION

TOILET FIXTURE SCHEDULE

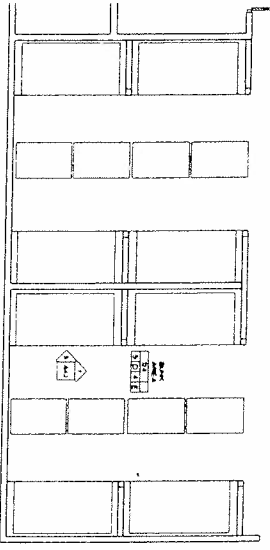
NO.	DESCRIPTION	UNIT	QTY	PRICE	TOTAL
1	TOILET				
2	TOILET ACCESSORY				

TOILET ACCESSORY SCHEDULE

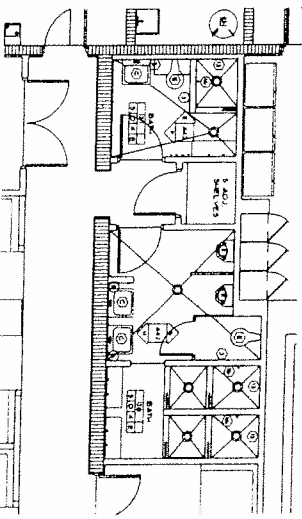
NO.	DESCRIPTION	UNIT	QTY	PRICE	TOTAL
1	TOILET PAPER DISPENSER				
2	TOILET BRUSH				
3	TOILET SEAT				
4	TOILET SEAT COVER				
5	TOILET SEAT COVER PIN				
6	TOILET SEAT COVER PIN				
7	TOILET SEAT COVER PIN				
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9	TOILET SEAT COVER PIN				
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20	TOILET SEAT COVER PIN				



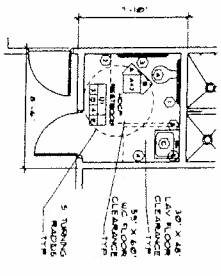
1 Enlarged Floor Plan
 SCALE 1/4" = 1'-0"



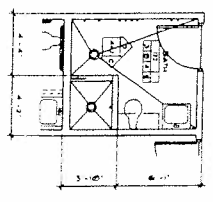
2 Enlarged Floor Plan
 SCALE 1/4" = 1'-0"



3 Enlarged Floor Plan
 SCALE 1/4" = 1'-0"



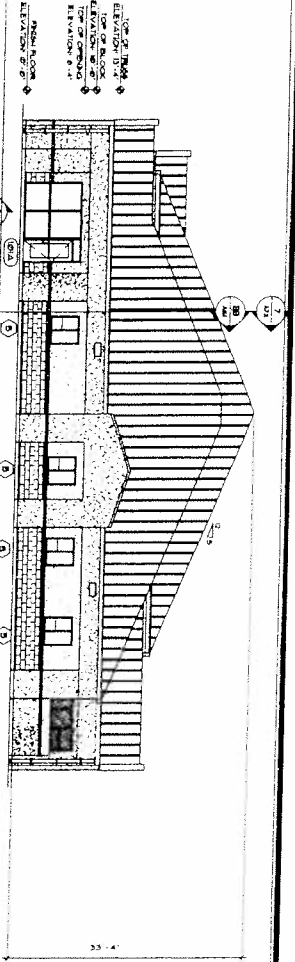
4 Enlarged Floor Plan
 SCALE 1/4" = 1'-0"



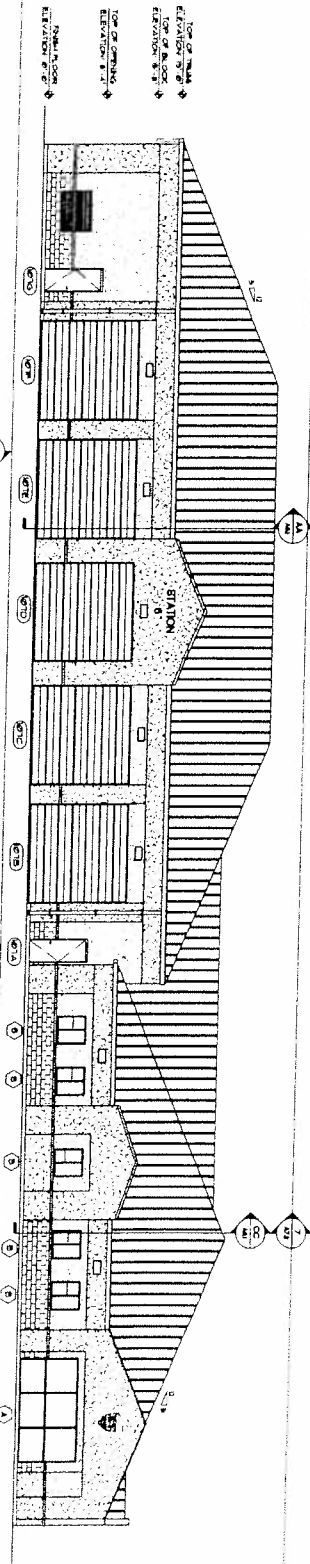
5 Enlarged Floor Plan
 SCALE 1/4" = 1'-0"

PROJECT EMFR Fire Station #6 Lakewood Ranch Blvd. GRADING PLAN	DESIGN TEAM WEST, INC. 1111 7th Street West Tallahassee, FL 32301-1111 Tel: (904) 744-2777 Fax: (904) 744-2961	PROJECT MANAGER _____	DATE _____
		PROJECT NUMBER _____	SCALE _____
PROJECT NO. A31	DATE _____	REVISION _____	DATE _____

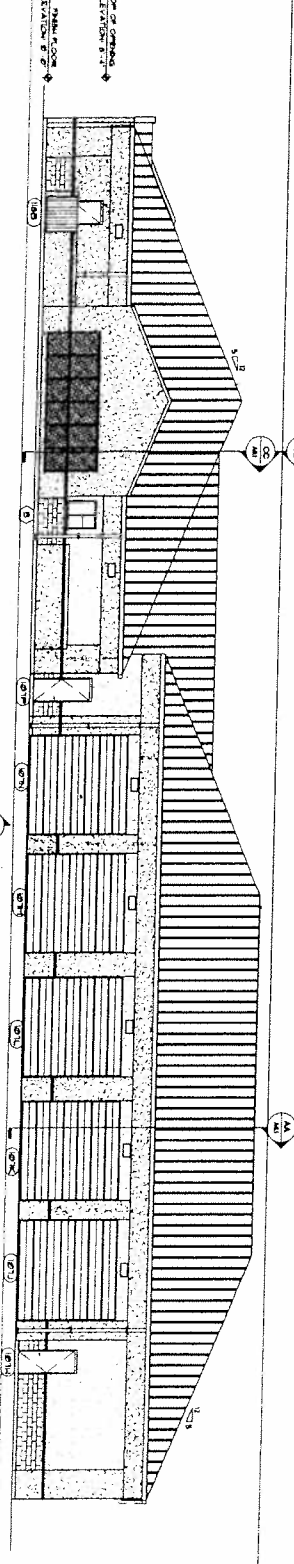
④ North Elevation
SCALE: 1/8" = 1'-0"



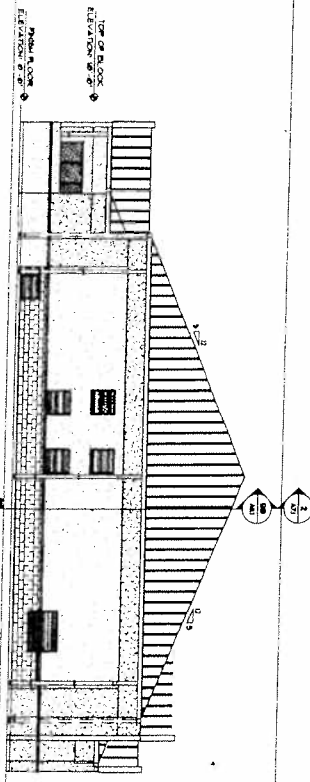
③ East Elevation
SCALE: 1/8" = 1'-0"



② West Elevation
SCALE: 1/8" = 1'-0"



① South Elevation
SCALE: 1/8" = 1'-0"



AS.1 PROJECT NO. 3831 DRAWING NO.	PROJECT EMFR Fire Station #6 Lakewood Ranch Blvd. DRAWING TITLE Exterior Elevations	DESIGN TEAM WEST, INC. 430 12th Street West Bradenton, FL 34205-2314 TEL: (813) 762-4779 FAX: (813) 762-2008	PROJECT ARCHITECT PROJECT WORKER DESIGNER LG SCALE: 1/8" = 1'-0" DATE: 08/14/08 DRAWING BY: BELL XPLAN CHECKED BY:	Gentry L. Robinson AR 5663
	PROJECT NO. 3831 DRAWING NO.		Gentry L. Robinson AR 5663	DATE: