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-lo 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: [Signature]

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.

[X ] 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 [ X] 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)  

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.

[X ] 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________________________Signature________________________
Printed Name________________________BU854
Certification Number________________________727-562-4588
Telephone/FAX

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