WHISPERING PINES CENTER

Issue: Reduction of maneuvering clearance at push side of a door and installing a 36” grab bar rather than 42” in a toilet room.

Analysis: The applicant is requesting a waiver for modifications to the requirements for 18” maneuvering clearance at a doorway and to reduce the size of a toilet room grab bar from 42” to 36”. The project is an existing facility and during the course of construction a structural column was found that prohibits being able to provide the required clearance and grab bar. To do so would require extensive demolition and reconfiguration of the space, including reducing classroom size. The scope of the project is renovation of 11 existing toilet rooms at a cost of $341,333. NOTE: This request is not for a waiver from a Florida specific standard, but from requirements of the federal guidelines.

Project Progress:

The project is complete.

Items to be Waived: Doorway maneuvering clearance as required by Section 11-4.13.6 and Figure 25. Grab bars as required by Section 11-4.26.2 and Figure 39.

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: Whispering Pines Center

Address: 3609 SW 89th Avenue
          Miramar, FL

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: Crain Engineering Company, d.b.a. Crain Atlantis Engineering, Inc.

Applicant's Address: 210 SW Natura Avenue, Deerfield Beach, FL 33441

Applicant's Telephone: 954-917-0411   FAX: 954-917-0415

Applicant’s E-mail Address: crainatlantis@crainatlantis.com

Relationship to Owner: Architectural/Engineering Consultant

Owner's Name: School Board of Broward County

Owner's Address: 1700 SW 14th Court, Ft. Lauderdale, FL 33312

Owner's Telephone: 754-321-1510   FAX: 754-321-1681

Owner’s E-mail Address: thomas.lindgren@browardschools.com

Signature of Owner: [Signature]

Contact Person: Rossana Pier @ crainatlantis

Contact Person’s Telephone: (954) 917-0411   E-mail Address: (see above)
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.)

Whispering Pines Center is a Broward County Public School learning center; it is a one story building of approximately 9,000 sq ft., constructed in 1991.

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

The project required renovation of eleven (11) existing restrooms to accommodate ADA at a cost of $341,333.

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.

Two of the existing renovated restrooms (404D and 404B) required field changes due to the discovery of a structural column within the affected area. The spaces were re-designed to accommodate the planned renovation and upon completion of the construction a final on site review was made and an installed 36” grab bar adjacent to the water closet was found to be 10 inches rather than the max. 12 inches from the rear wall. The completed spaces are restricted by the door width and in-wall multiple services: plumbing, electrical, alarm, and conduit and piping, etc. In order to accommodate the 42” grab bar required, complete demolition and re-build of the
walls containing the multiple services would be necessary at an additional cost of $31,000 and
disruption to the teaching facility.

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

**Issue**

1: 2007 Florida Building Code, Chapter 11 figure 29: grab bar at water closet 12-inch maximum from back wall /54-inch min.

**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.

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

(See Item 9)

[ ] 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. Thornton Construction Company $30,849

b. Modern Construction $31,523

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.

(See request letter)

[Signature]

George M. Petrocelli, P.E. Vice President
Printed Name

Phone number: 954-9170411

(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 29 day of APRIL, 2010

Signature

George M. Petrocelli, P.E., Vice President
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.
May 11, 2010

Department of Community Affairs
Florida Building Commission
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100

Subject: Addendum to Request for Waiver – Whispering Pines Center, (original submitted 4-29-2010) School Board of Broward County

Dear Council Members,

Enclosed is the addendum to our original appeal, submitted on April 29, 2010 that addressed the grab bars in restrooms 404D and 407B. Based on the recommendation of the Broward County Schools, we would like to add an additional restroom, which was included in the same project at Whispering Pines Center, to the original request for waiver.

The additional restroom is 201A. There were originally two very small restrooms in a confined area that were converted to ADA restrooms. Due to the limited space available, the new restroom does not meet the maneuverability clearance at the restroom door according to the 2007 Florida Building Code, Chapter 11, Figure 25a (front approach) which shows a 48” clear floor space with a 12” clearance on the push side of the door. In the case of restroom 201A a portion of the lavatory is 44” from the door and the clearance on the push side of the door is 7” (see the attached photos). However, we responded to the Building Department Permit Review Number 05-PR209PR2 (see the attached) by referencing Figure 25b of the Florida Building Code, Chapter 11, for a hinge side approach which allows a 42” clearance and the 12” clearance on the push side is not required. Based on the side approach, we would like to appeal the inspection report finding. Please note the e-mail (see attached dated August 27, 2009) response by Robert F. Hamberger, SBBC Chief Building Official, in which he states, “Regarding bathroom 201A, using the side approach (Figure 25b), found in Chapter 11 of the FBC, it is my opinion that the 42”x 54” maneuvering clearance would be adequate.”

This addendum to the request for waiver is being submitted because the only other solution would be to demolish and rebuild the walls to construct only one compliant ADA restroom due to the limited area. The work necessary to demolish the two existing restrooms, retrench and relocate the existing utility piping and conduit creates a hardship to allow for the distance required for a front approach, as well as reducing the area to only one compliant restroom. This additional modification would result in the interruption of the classes and inability to use these restroom facilities during the construction phase and would take space from the adjoining classrooms.

We appreciate your consideration in this matter.

Very Truly Yours,

George M. Petrocelli, P.E.
Vice President
FIGURE 25
MANEUVERING CLEARANCE AT DOORS

NOTE: All doors in sloped shaft comply with the clearances for front approaches.
Restroom 201A – Distance from lavatory to doorway is 44”.

Restroom 201A – Clearance on push side of door is 7”.
Pasquariello, Joseph

TO: Pasquariello, Joseph

Date/Time Requested: Date / Time

8/24/2009

Inspection To Be Performed By:

8/25/2009

Whispering Pines School

Project: Thompson Construction

Contractor: Design Services

Consultant

Architectural

Final

Building

Restrooms

2018

2014-

Full side of room less than 16'-18" required, push side 6'-12" required.

Note: Bath is 78". Use 726.

Room 404 D- 8108 Bath only. 76" 1/2" required, code states 12" max.

From the wall, 18" used would be proper, 8" from each wall

Bath room O.K. for use.

Comments:

PASSED FAILED

Passed

Distribution:

Contractor (White)
Consultant (Yellow)
Project File (Pink)
Inspector (Goldenrod)

By: [Signature] Date:

SF 725
Building Department Permit Review
Phase IIIR2 100%: Construction Document
Revision 3

Facility Name: Whispering Pines
Project Name: ADA Restroom / Grab Bars
Design Consultant: Crain
Project Manager: Reinaldo Olivera

To: Reinaldo Olivera, Project Manager
The following represents the status of the completed design review of all technical disciplines for the above listed project.

- **PEER REVIEWED BY: BUILDING DEPARTMENT**
  Roofing – Not Applicable
  Building – Approved
  Site Utilities – Not Applicable
  Mechanical – Not Applicable
  Electrical – Approved
  Plumbing – Revise & Resubmit
  Fire Safety – Revise & Resubmit
  Fire Protection - Not Applicable

**NOTE:** Written & Electronic responses (via attached diskette provided by SBBC) to these review comments must be attached to the succeeding submittal. See attached comments.

Robert Hamberger, Chief Building Official

Review Issued: October 22, 2009 /LF

cc:
Derrick Ragland, Executive Director, Facilities and Project Management (Cover)
Claudia Munroe, Executive Director, Design Services c/o Clara Sanchez
Denis Herrmann, Director Contracts c/o Donna Murray
Shelley Meloni, Director, Design (Cover)
Alfredo Leon, Architect V
Fernando Cuin, Supervisor III, Operations
UBCI File
CENTRAL PROJECT

Attachment(s) Diskette
(5) Construction Drawings
(5) Structural Calculations
Phase Submittal: IIIR2 100% Rev 3  
Facility Name: Whispering Pines  
Project Name: ADA Restroom / Grab Bars  
Project Number: 17529904  

PERMIT REVIEW  
Review Status: Revise & Resubmit

<table>
<thead>
<tr>
<th>Sheet No.</th>
<th>Item No.</th>
<th>Phase</th>
<th>M/R/C</th>
<th>Comments</th>
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<tr>
<td>A-7</td>
<td>1</td>
<td>IIIR2</td>
<td>M</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Comment: Restrooms 308A&amp;B water closets are both required to be handicap accessible. FBC 11-4.1.1(6)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Response: Due to restricted area (Corridor 007 and Electrical room 314B), there is only enough room for one ADA restroom.</td>
</tr>
</tbody>
</table>

Compl. Date:
Phase Submittal: IIIR2 100% Rev 3
Facility Name: Whispering Pines
Project Name: ADA Restroom / Grab Bars
Project Number: 17529904

Discipline Review: Fire Safety
Reviewed By: Tom Keane
Peer Review Consultant: BCPS Building Dept.
Date of Review Completion: 10/15/09
BD#: 05PR209PR2

**PERMIT REVIEW**
Review Status: Revise and Resubmit

<table>
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<tr>
<th>Sheet No.</th>
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<th>Compl. Date</th>
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</thead>
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<tr>
<td>A-6</td>
<td>1.</td>
<td>IIIR2</td>
<td>M</td>
<td>Comment: There shall be 48” of maneuvering clearance on the push side of the door to toilet room #201A. A lavatory obstructs the required clear space. FBC/FACBC 2004, 11-4.13.6, Figure #25 (a) and (b)</td>
<td></td>
</tr>
<tr>
<td>A-6, A-7, A-9, A-10 and A-11</td>
<td>2.</td>
<td>III</td>
<td>M</td>
<td>Comment: Tissue dispensers, if mounted above the grab bars must have a 12” clearance from the grab bar and be 7”- 9” in front of the water closet as measured to the centerline of the toilet tissue dispenser. FBC/FACBC 2004, 423.4.4, ADAAG Building Elements for Childrens Use, 1998, section 4.16.7 (5) *Equivalent Facilitation Permitted by BCPS C.B.O. allowing tissue dispenser above grab bar.</td>
<td></td>
</tr>
<tr>
<td>A-7</td>
<td>3.</td>
<td>III</td>
<td>M</td>
<td>Comment: Lavatory lacks required 21” clearance to wall in front of lavatory per FPC 2004, 405.3.1</td>
<td></td>
</tr>
<tr>
<td>A-9 and A-10</td>
<td>4.</td>
<td>III</td>
<td>M</td>
<td>Comment: A clear space of 18” with no projections from the wall is required on the pull side of door #9 at toilet room #404D and door #10 at #407B. FBC/FACBC 2004, 11-4.13.6 , Figure #25 (a)</td>
<td></td>
</tr>
</tbody>
</table>

Response: See revised drawings sheet A-11

Response: Lavatory was incorrectly shown on drawings. Actual conditions allow for over 21 inches clearance in front of Lavatory. See revised drawing sheet A-7

Response: See revised drawings sheet A-9 & A-10
Rossana Prem

From: Robert F. Hamberger [robert.hamberger@browardschools.com]
Sent: Thursday, August 27, 2009 3:37 PM
To: Rossana Prem
Cc: Reinaldo J. Olivera; cae@crainatlantis.com; gpetrocelli@crainatlantis.com
Subject: Re: SBBC Whispering Pines Elementary ADA Toilets Citations

Rossana,

I concur with the contents of your email with the exception of 404D and 407B. In the case of these two rooms the grab bars must extend 54" from the back wall (Figure 29) found in Chapter 11 of the FBC, so the 42" grab bar may not be set back from the door jamb as we initially thought. Rather, it must be set 12" off the rear wall to extend the full 54" off of the rear wall.

Regarding bathroom 201A, using the side approach (Figure 25(b)) found in Chapter 11 of the FBC, it is my opinion that the 42" x 54" maneuvering clearance would be adequate.

Note that there are bathrooms in the ADA grouping at Whispering pines that still require re-inspection in order for the Building Department to grant occupancy. I hope this is of help to you.

Robert F. Hamberger
Chief Building Official
The School Board of Broward County, Florida
2301 NW 26th Street
Oakland Park, Florida 33311
954-804-9972
robert.hamberger@browardschools.com

"Rossana Prem" <rpm@crainatlantis.com> on Thursday, August 27, 2009 at 12:24 PM -0400 wrote:
Chief Hamberger,

First, I wish to thank you kindly for taking my visit this morning in such short notice. Please extend my appreciation also, to Mr. Tom Keen with whom I met today as well. To have on record items discussed, here are issues cited by your inspectors over the last few days and our agreement to have them resolved,

1243138. Toilet rooms 404D and 407B side grab bars at water closet shall be replaced with 42" bars as required by Ch. 11 of the FBC. Same shall be installed according to the structural strength specifications 11-4.26.3
1243138. Toilet room 306B shower seat shall be removed and a new side grab bar added on wall where seat will be taken out
1243138. Toilet room 201A front approach issue remains unresolved, pending second review by SBBC plumbing inspectors

Again Sir, thank you for your time and consideration
Rossana L. Prem
Associate AIA
210 S.W. Natura Avenue
Deerfield Beach, FL 33441
Phone: 954-917-0411 ext. 107
Fax: 954-917-0415
rprem@crainatlantis.com