

## **BREVARD HIGH SCHOOL CCC AUDITORIUM**

**Issue:** Vertical accessibility to all rows of seats in a high school auditorium.

**Analysis:** The applicant is requesting a waiver from providing vertical accessibility to all rows of seats in a new, 869 seat auditorium. 15 wheelchair seating locations at the front and rear of the facility are planned, but not all accessible seating areas have an adjacent companion seat. Some accessible seats are also placed on the ends of the rows. No estimates have been provided as the applicant contends it is technically infeasible to make all rows accessible.

### **Project Progress:**

The project is under construction.

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

Vertical accessibility to all rows of seats, as required by Section 553.509, Florida Statutes.

553.509 Vertical accessibility. Nothing in Sections 553.501-553.513 or the guidelines shall be construed to relieve the owner of any building, structure or facility governed by those sections from the duty to provide vertical accessibility to all levels above and below the occupiable grade level regardless of whether the guidelines require an elevator to be installed in such building, structure or facility, except for:

- (1) Elevator pits, elevator penthouses, mechanical rooms, piping or equipment catwalks and automobile lubrication and maintenance pits and platforms;
- (2) Unoccupiable spaces, such as rooms, enclosed spaces and storage spaces that are not designed for human occupancy, for public accommodations or for work areas; and
- (3) Occupiable spaces and rooms that are not open to the public and that house no more than five persons, including, but not limited to equipment control rooms and projection booths.

**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:** New Brevard County High School CCC (Auditorium Portion)  
**Address:** 2335 Malabar Road, Palm Bay, Florida 32907

**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:** SCHENKELSHULTZ Architects (Joseph S. Toth A.I.A. Principal)  
**Applicant's Address:** 200 East Robinson Street Suite 300 Orlando, Florida 32801  
**Applicant's Telephone:** (407) 872-3322 **FAX:** (407) 872-3303

**Applicant's E-mail Address:** jstoth@schenkelsultz.com  
**Relationship to Owner:** Architect for the new high school

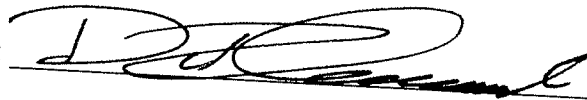
**Owner's Name:** Dane Theodore, A.I.A. Director of facilities management services  
School Board of Brevard County

**Owner's Address:** 2700 Judge Fran Jamieson Way, Viera, Florida 32940

**Owner's Telephone:** (321) 633-1000 Ext. 657 **FAX:** (321) 633-4646

**Owner's E-mail Address:** TheodoreD@brevard.k12.fl.us

**Signature of Owner:**



**Contact Person:**

Joseph S. Toth, A.I. A.

**Contact Person's Telephone:** cell (407) 473-2816 **E-mail Address:** jstoth@schenkelsultz.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 Auditorium building will be part of a new high school campus to be constructed in Palm Bay, Florida. The house will seat 869 patrons. The building is one floor with seating on a dished or sloped floor.

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

The construction cost for the entire high school campus is \$65,650,000. The cost of the Auditorium has not been broken out separately.

**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.

The Florida Department of Education has mandated that "Accessibility shall be provided throughout the Auditorium unless a waiver is obtained from the Florida Building Commission" Department of Community Affairs in their DOE mandatory letter to Brevard Public Schools of November 26, 2007.

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

**Issue:** Compliance with section 553.509 Florida State Statutes

**1: 553.509 Vertical Accessibility.**—Nothing in SS553.501-553.513 or the guidelines shall be construed to relieve the owner of any building, structure, or facility governed by those sections from the duty to provide vertical accessibility to all levels above and below the occupiable grade level, regardless of whether the guidelines require an elevator to be installed in such building, structure, or facility.

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.

We do not believe that this type of construction (accessible seating in every isle of an Auditorium) was contemplated by the legislation in the drafting and implementation of the law for vertical accessibility. The statute itself would impose a hardship on the applicant that is unique to this situation and more specifically its user. The Florida Building Code, in section 11-4.33.3 states that – “Wheelchair areas shall be an integral part of any fixed seating plan and shall be provided so as to provide people with physical disabilities a choice of admission prices and lines of sight comparable to those for members of the general public. They shall adjoin an accessible route that also serves as a means of egress in case of emergency. At least one companion fixed seat shall be provided next to each wheelchair seating area. When the seating capacity exceeds 300, wheelchair spaces shall be provided in more than one location. Readily removable seats may be installed in wheelchair spaces when the spaces are not required to accommodate wheelchair users.” Under the Exception in the same section it also states: “Accessible viewing positions may be clustered for bleachers, balconies, and other areas having sight lines that require slopes of greater than 5 percent. Equivalent accessible viewing positions may be located on levels having accessible egress.” It is financially impracticable to provide vertical accessibility to every aisle of seating in the Auditorium. With this in mind we have worked toward providing dispersed accessible seating in the front and rear areas of the Auditorium per FBC section 11-4.33.3 and its exception. We believe that this viable solution will meet the concerns and needs of all the Council, the Commission and especially guests with mobility impairments.

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

This is due to the costs that would be required by the accessible design requirements of the FACBC and the ADA. In addition, the Auditorium would have to be much larger to accommodate the same number of seats, further increasing the construction cost.

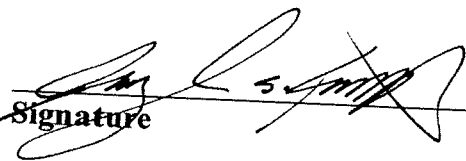
[ ] The owner has made a **diligent investigation** into the costs of compliance with the code, but cannot find an efficient mode of compliance. Provide detailed cost estimates and, where appropriate, photographs. Cost estimates must include bids and quotes.

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.

Under Florida State Statutes, a waiver can be granted for one of the following reasons: 1) a determination of unnecessary hardship, 2) an unreasonable hardship, or 3) an extreme hardship. We believe that this project would qualify for all three of the above hardships.

  
Signature

Joseph S. Toth, AIA  
Printed Name


Phone number 407-872-3322

(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 EIGHTH day of SEPTEMBER, 20 08

  
Signature

Joseph S. Toth, AIA

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.

Florida State Statute requires accessibility to all levels. Under this situation, it is neither economically feasible nor practical and I support the attached waiver from the statute.

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 \_\_\_\_\_

*Approval*

Jurisdiction

School Board of Brevard County

Building Official or Designee

*David W. Sterphone*  
Signature

David W. Sterphone  
Printed Name

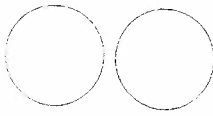
BU 518  
Certification Number

(321) 617-7792  
Telephone/FAX

Address:

1254 South Florida Avenue, Rockledge, FL 32955

ARCHITECTURAL  
SITE PLAN



Brevard  
High School  
CCC  
Palm Bay,  
Florida

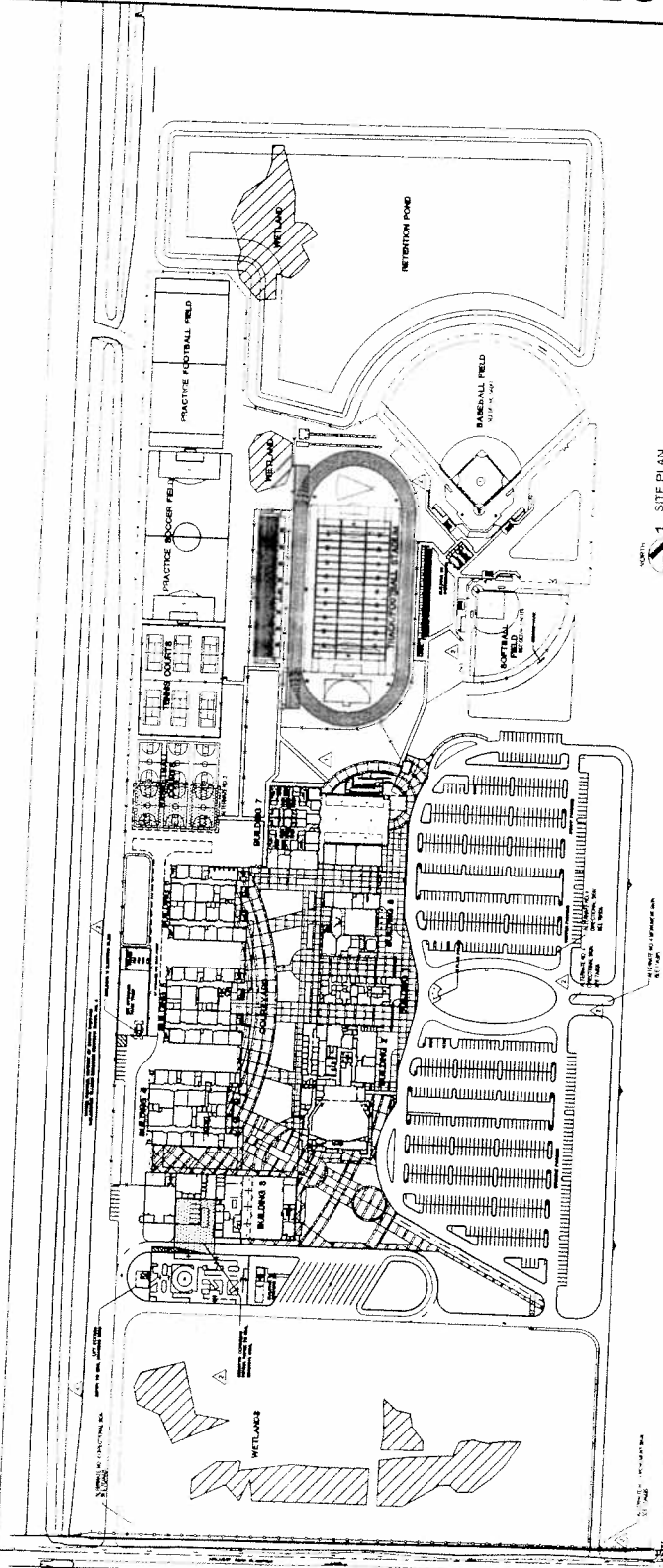
for the School District  
of Brevard County

ARCHITECTURAL  
SITE PLAN

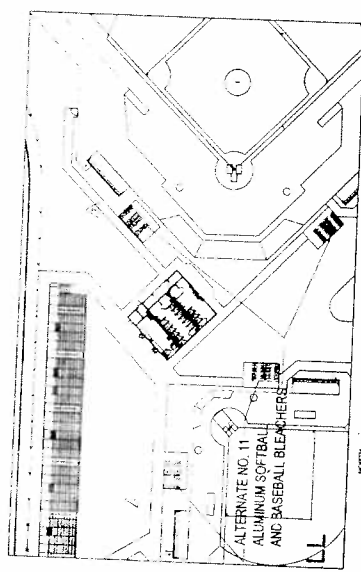
ARCHITECTURAL  
SITE PLAN

ARCHITECTURAL  
SITE PLAN

A010



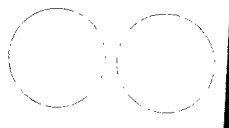
1 SITE PLAN  
1/8" = 1'-0"



2 ALTERNATE #11  
1/8" = 1'-0"



**SCHENKELSHULTZ**  
 ARCHITECTS  
 220 West Broadway Blvd.  
 Palm Beach, FL 33481  
 Phone: (561) 833-1322  
 Fax: (561) 833-1322  
 www.schenkelshultz.com



Brevard  
 High School  
 CCC  
 Palm Bay,  
 Florida

for the School District  
 of Brevard County

- △ 236... △ REF
- △ 236... △ SET
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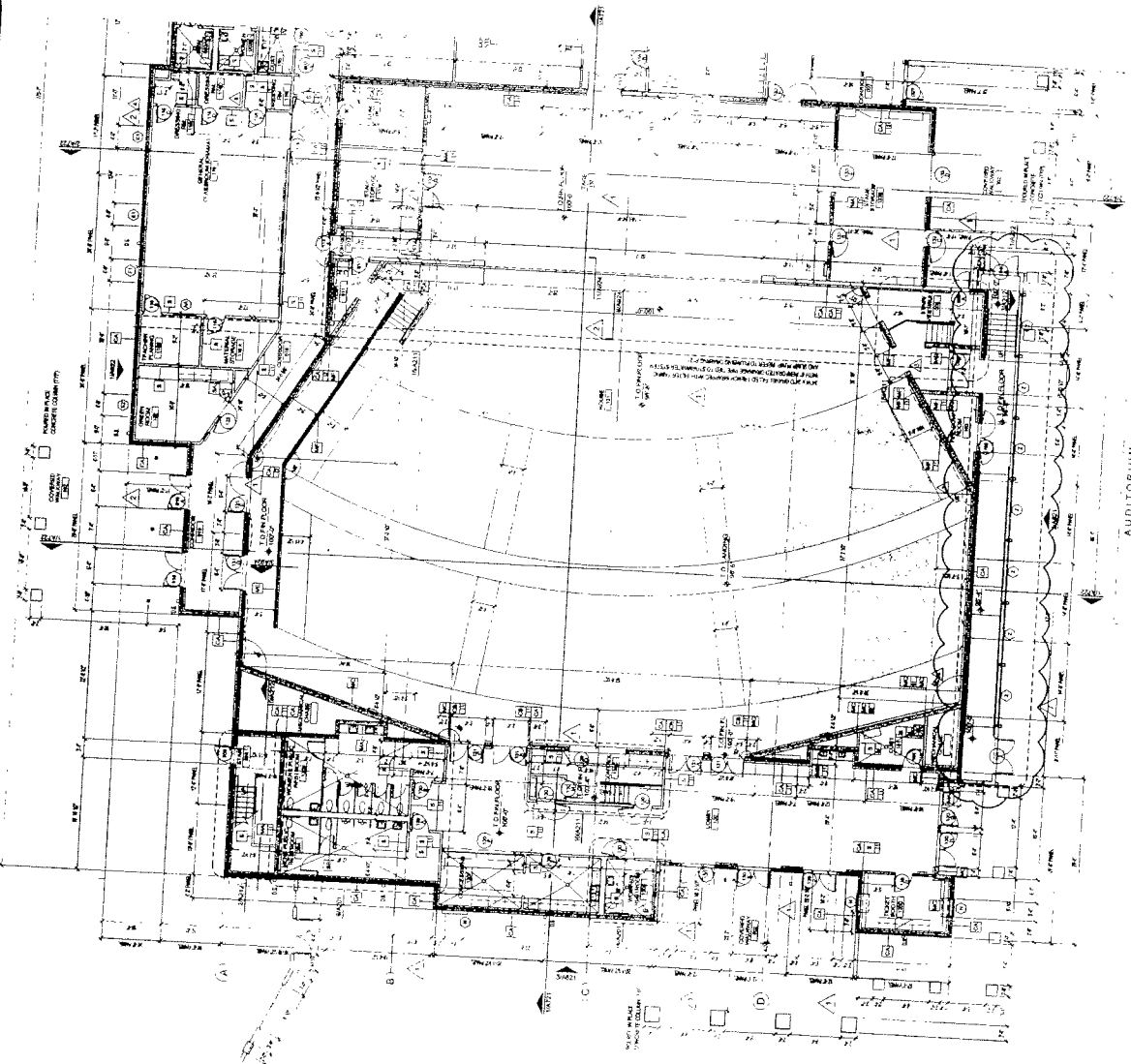
MUSIC/GUARDANCE/AUDITORIUM  
 Building No. 2  
 FLOOR PLAN

**A121**

Client: Compliance Office  
 Date: 10/15/2010  
 Project: Brevard High School  
 Drawing No. A121  
 Scale: 1/8" = 1'-0"



MUSIC/GUARDANCE/AUDITORIUM  
 BUILDING No. 2 - FLOOR PLAN  
 NOTE: SEATING PLAN IS SUBJECT TO APPROVAL BY THE SCHOOL DISTRICT



AUDITORIUM  
 ACCESSIBLE SEATING TABULATION

SEATING AREA	SEATING TYPE	TOTAL SEATING	TOTAL ACCESSIBLE SEATING
1	STAIRS	10	10
2	STAIRS	10	10
3	STAIRS	10	10
4	STAIRS	10	10
5	STAIRS	10	10
6	STAIRS	10	10
7	STAIRS	10	10
8	STAIRS	10	10
9	STAIRS	10	10
10	STAIRS	10	10
11	STAIRS	10	10
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100	STAIRS	10	10

**SCHENKEL SHILITZ**  
 ARCHITECTS  
 1000 N. W. 10th Street  
 Fort Lauderdale, FL 33304  
 Phone: (305) 463-1111  
 Fax: (305) 463-1112  
 Website: www.schenkelschultz.com

**PROJECT INFORMATION**  
 Project Name: Brevard High School CCC  
 Project No.: A721  
 Date: 08/14/2017  
 Drawing No.: 01-100  
 Drawing Title: BUILDING SECTIONS  
 Designer: [Name]  
 Checker: [Name]  
 Approver: [Name]



**Brevard High School  
 CCC  
 Palm Bay,  
 Florida**

for the School District  
 of Brevard County

Code Consultant: [Name]  
 Prepared by: [Name]  
 Checked by: [Name]  
 Date: 08/14/2017

**BUILDING SECTIONS  
 BUILDING NO. 2  
 A721**

