

## **CHESTERBROOK ACADEMY**

**Issue:** Mounting heights and reach ranges in children's toilet facilities.

**Analysis:** The applicant is requesting a waiver from constructing toilet facilities for children in a day care center in accordance with the provisions of Chapter 11. The project is a new, one story 10,900 square foot building costing \$2,500,000. Toilets for staff and the public have been designed according to Chapter 11; however, all facilities for children comply with the ADA Accessibility Guidelines for Building Element Design for Children's Use.

### **Project Progress:**

The project is under design and in plan review. .

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

Mounting heights and reach ranges for children, as specified in Section 11-4.1.3(11).

11-4-1.3(11) If toilet rooms are provided, then each public and common use toilet room 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: Chesterbrook Academy

Address: Port St. Lucie, Florida. Waiting for address assignment.

**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: Cubellis, Inc.

Applicant's Address: 1800 Eller Drive, Suite 500. Fort Lauderdale, Florida 33316

Applicant's Telephone: (954) 961-6806 FAX: (954) 961-6807

Applicant's E-mail Address: jsaye@cubellis.com

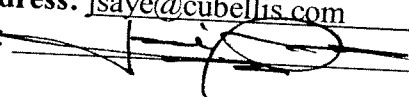
Relationship to Owner: Architect

Owner's Name: Nobel Learning Communities, Inc.

Owner's Address: 1800 Eller Drive, Suite 500. Fort Lauderdale, Florida 33316

Owner's Telephone: (954) 961-6806 FAX: (954) 961-6807

Owner's E-mail Address: jsaye@cubellis.com

Signature of Owner: 

Contact Person: Jose Saye

Contact Person's Telephone: (954) 961-6806 E-mail Address: jsaye@cubellis.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.)

One (1) Story Day Care Building. The building of approximately 10,900 S.F will be used as a Day Care Center in Port Saint Lucie, Florida.

**5. Project Construction Cost (Provide cost for new construction, the addition or the alteration):** Approximately \$2,500,000.00

**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.

We are providing plumbing fixtures that comply with ADA Accessibility Guidelines

for Building Element Design for Children's use in various classrooms at the Day Care.

This however, is not in compliance with Chapter 11 of the Florida Building Code.

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

**Issue**

1: Chapter 11 of the Florida Building Code

**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.

Toilets size at classroom restrooms are according to ADA Accessibility Guidelines for Children's use, therefore not in compliance with Chapter 11 of Florida Building Code.

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.

N/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.

We are providing plumbing fixtures that comply with ADA Accessibility Guidelines  
for Building Element Design for Children's use in various classrooms at the Day Care.

This however, is not in compliance with Chapter 11 of the Florida Building Code.

Signature



Printed Name

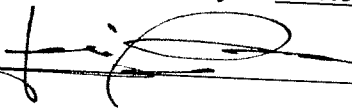
MARINEL SYLLAKOWSKI, N/A  
FL. LIC # 11,628

Phone number: (954) 961-6806  
(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.

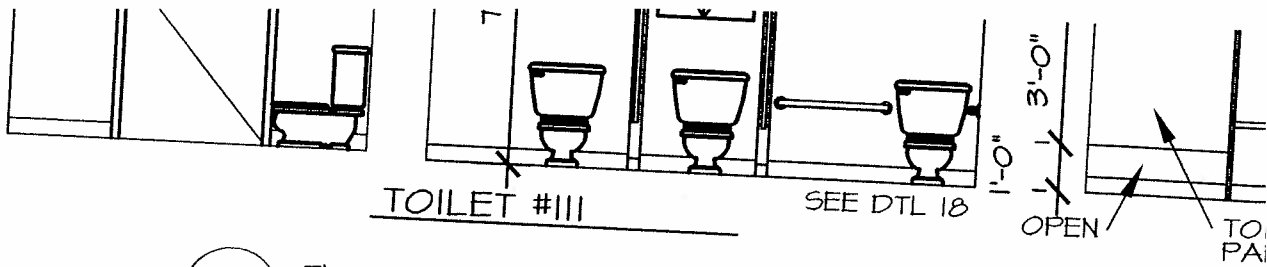
Dated this 3<sup>rd</sup> day of October, 2008

Signature 

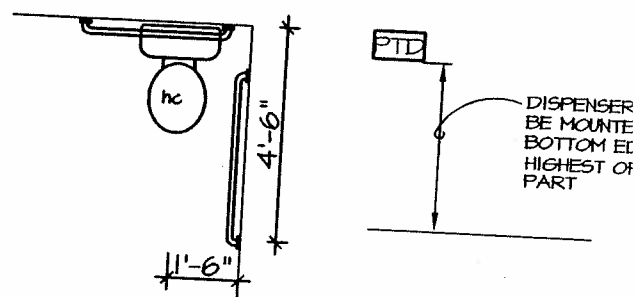
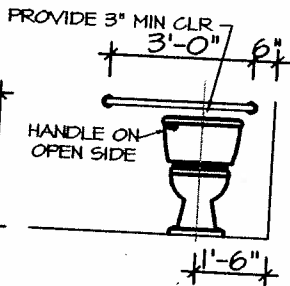
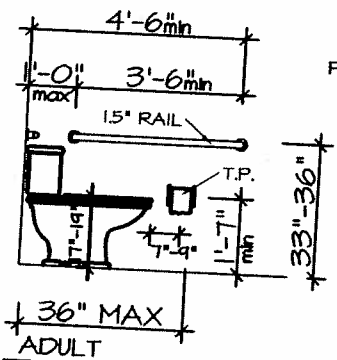
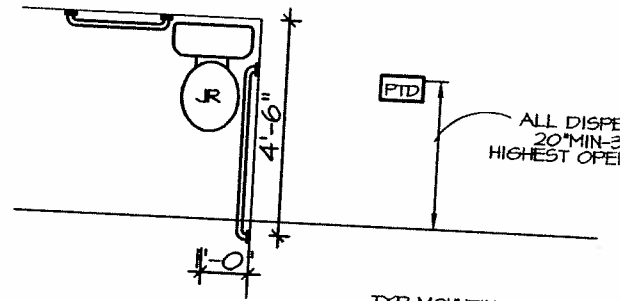
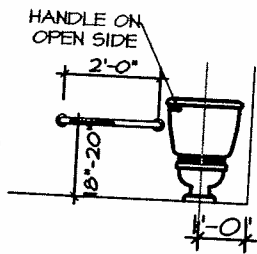
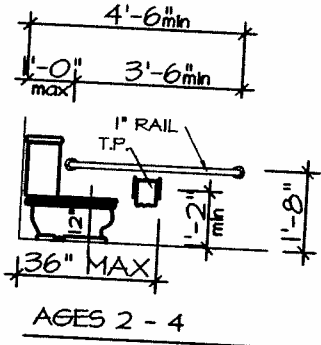
Printed Name JOSE SAYE

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.

AN)

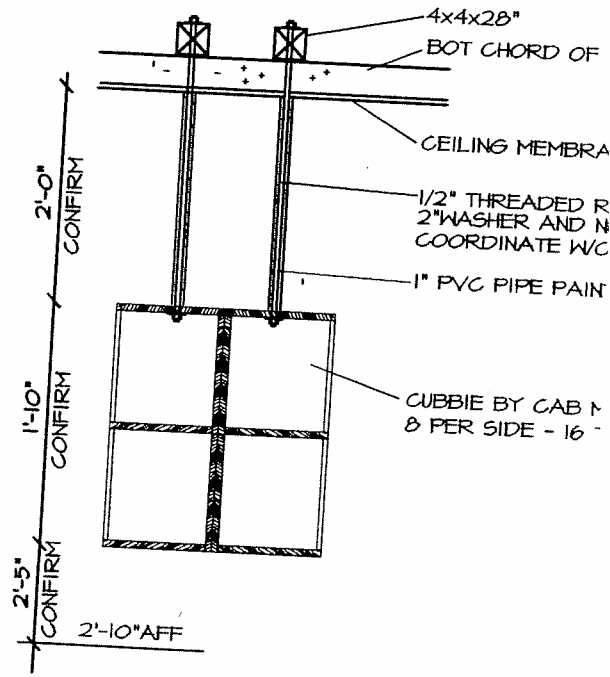
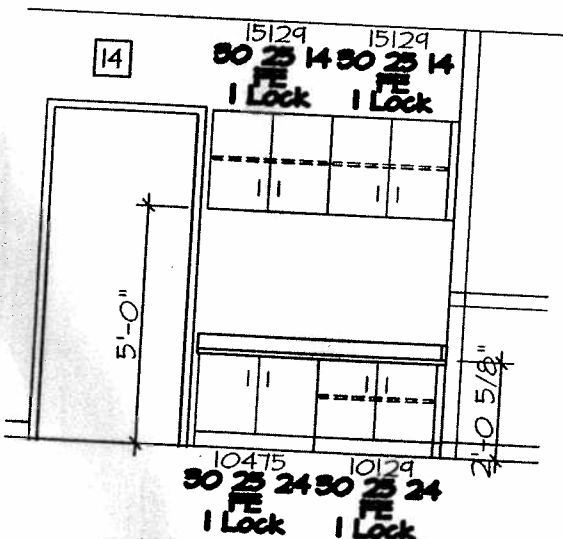
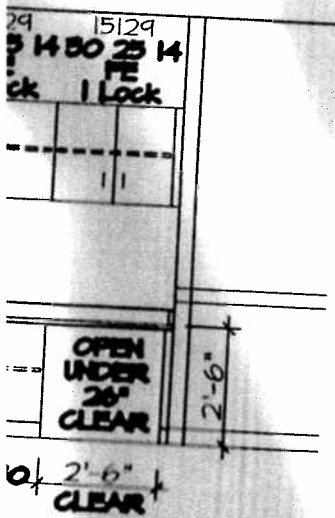


17 TLT PARTITIONS ELEVATIONS  
3/8" = 1'-0"



TYP MOUNTING HEIGHTS  
FOR PAPER TOWEL DISPE  
SOAP DISPENSERS, ETC.

16 ACCESSIBILITY DETAILS  
SCALE: 1/4" = 1'-0"  
FLUSH TANK



3 CLASSROOM UNIT  
1/4" = 1'-0"

11A CLASSROOM UNIT  
1/4" = 1'-0"

10 DETAILS



# Florida Building Code Informal Interpretation



Date: Thu Nov 20 2003

Report #: 2749

Code: Building

Section: 11-4.1.3(11)

**Question:**

Is it the intent of 11-4.1.3(11) to allow a toilet room in an individual class room of a Daycare Occupancy to be "adaptable" only? The plumbing fixture count has been met. There are additional toilet rooms [in] each class room. The toilet rooms are provided for occupants of a specific space (i.e., 3-year old classroom, 4-year old classroom, etc.) however they are not the occupant of a private office as given in the example of the code.

**Answer:**

No. Section 11-4.1.3(11) states: "if toilet rooms are provided, then each public and common use toilet room shall comply with 11-4.22." As classroom toilet rooms are for "common use," they shall comply with 11-4.22 and can not be just adaptable.

**Commentary:**

Many such childcare and school classroom facilities have been granted variances by the Florida Building Commission to allow them to use the dimensional requirements of the Access Board's Recommendations for Children's Facilities.

**Notice:**

*The Building Officials Association of Florida, in cooperation with the Florida Building Commission, the Florida Department of Community Affairs, ICC, and industry and professional experts offer this interpretation of the Florida Building Code in the interest of consistency in their application statewide. This interpretation is informal, non-binding and subject to acceptance and approval by the local building official.*



