

## **DAVID NIXON PRODUCTIONS**

**Analysis:** The applicant is requesting vertical accessibility to the 897 square foot second floor in a new, \$1.16 million film production building, as well as elevated computer platforms in two of the three edit rooms. According to the applicant, there will be fewer than five employees located on the second floor, but the building department determined the area could contain up to 9 based on the occupant load calculations in Chapter 10 of the Florida Building Code. No estimates were submitted to provide access to either the second floor or the two platforms.

### **Project Progress:**

The project is under design.

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

Vertical accessibility to all levels, 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: David Nixon Productions

Address: 8601 Commodity Circle, Orlando 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: Bemmie Eustace % Interplan LLC

Applicant's Address: 933 Lee Road, Suite 120, Orlando FL 32810

Applicant's Telephone: 407-645-5008 FAX: 407-629-9124

Applicant's E-mail Address: beustace@interplanorlando.com

Relationship to Owner: Consultant

Owner's Name: David Nixon Productions % Trinity Hively

Owner's Address: 7347 Sand Lake Road, Suite 100, Orlando FL 32819

Owner's Telephone: 407-345-8110 FAX 407-345-8458

Owner's E-mail Address: trinity@dnp.tv

Signature of Owner: *Trinity Schwab*

Contact Person: Bemmie Eustace

Contact Person's Telephone: <sup>cell</sup> 321-246-4715 E-mail Address: beustace@interplanorlando.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.)

2 story office building - 1<sup>st</sup> Floor 7,592 SF

2<sup>nd</sup> Floor 897

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

\$ 1.16 million

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.

1. The Building Official has indicated vertical accessibility is required based on 9 occupants as calculated by Chapter 10 of the FBC.

2. The Building Official is requiring vertical accessibility to all Edit Room raised platforms.

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

**Issue**

1: 11-4.1.3(5) "Vertical accessibility shall be provided to all levels...except for... (3) occupiable spaces and rooms that are not open to the public and that house no more than 5 persons..."

**Issue**

2: 11.4.1.3(5) "Vertical accessibility shall be provided to all levels..."

**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.

1. The exception in 11-4.1.3(5) applies to the project as there are only 2 offices on the 2nd level for less than 5 people. The remaining areas are for office supplies, equipment + files.

2. Vertical accessibility ~~is~~ waiver is required to allow one of the three edit rooms to have a single level with the other 2 edit rooms having a 6" raised platform in a portion of the room.

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

NA

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. NA

\_\_\_\_\_

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.

\_\_\_\_\_

\_\_\_\_\_

  
2/14/22

Signature

Edward Shinsky

Printed Name

Phone number (521) 863-3223

(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 8<sup>th</sup> day of December, 2006

  
\_\_\_\_\_  
Signature

Bemmie Eustace  
\_\_\_\_\_  
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. VERTICAL ACCESSIBILITY BASE ON THE OCCUPANT LOAD PER CH. 10.  
11-4.1.3(5)
- b. VERTICAL ACCESSIBILITY FOR THE PLATFORMS IN THE EXIT ROOMS  
11-4.1.3(5)
- c. \_\_\_\_\_

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 N/A

**Comments/Recommendation** \_\_\_\_\_

Jurisdiction ORANGE COUNTY

Building Official or Designee [Signature]  
Signature

DAVID B. SEAMAN  
Printed Name

PX-0000420  
Certification Number

407-836-2946 FAX (407)-836-2977  
Telephone/FAX

Address: 201 S. ROSALIND AVE. P.O. BOX 2687  
ORLANDO, FLORIDA 32802

**DMG CONSTRUCTION**  
**DOYLE MARKETING GROUP, INC.**  
Member of the Better Business Bureau  
1717 Doncaster Road, Clearwater, FL 33764  
Fax Line 727-524-4050  
Field Phone 727-365-1800  
Office Phone 727-538-4844

December 11, 2006

Department of Community Affairs  
Florida Building Commission  
Attn: Ms. Mary Kathryn Smith- Codes & Standards Section  
2555 Shumard Oak Blvd.  
Tallahassee, Florida 32399-2100  
Re: Elevator Waiver, Sandcastle Realty, Treasure Island, Florida

Dear Ms. Smith

Please find enclosed the application for a "Waiver Application" for an elevator of a building in Treasure Island, Florida. The Owner is a real estate broker that has had a family business in Treasure Island for approximately 15 years. She (Mrs. Judy Washek Kief) has owned and operated out of this location since 1999.

This is a family run small brokerage with a daughter, son, son-in-law, and niece involved in the business. The building is currently about 1,100 square feet of office space. It has an existing conference room and lobby for their customers and a couple of offices. Modifications were made when they moved in 1999 and a handicapped accessible bathroom was added. (There have been no new modifications since first moving in at that time.) They want to increase the space and add a second floor so they can have a few more offices, just for them and a couple of additional real estate agents. They have stipulated they will have no more than 5 workers upstairs and the public will continue to be served on the first floor.

In the application, you will see the reasons why they wish to obtain a waiver from your office for a standard elevator. I am including as requested –regular prints (24" x 36") of the upcoming plans, 11" x 17" prints; transparencies of the improvements and (a) one cd of the prints in pdf. mode and (b) a cd in pdf. mode of the application. I am most willing to come to a meeting to present the arguments in their behalf.

Sincerely,



A.T.Doyle  
President

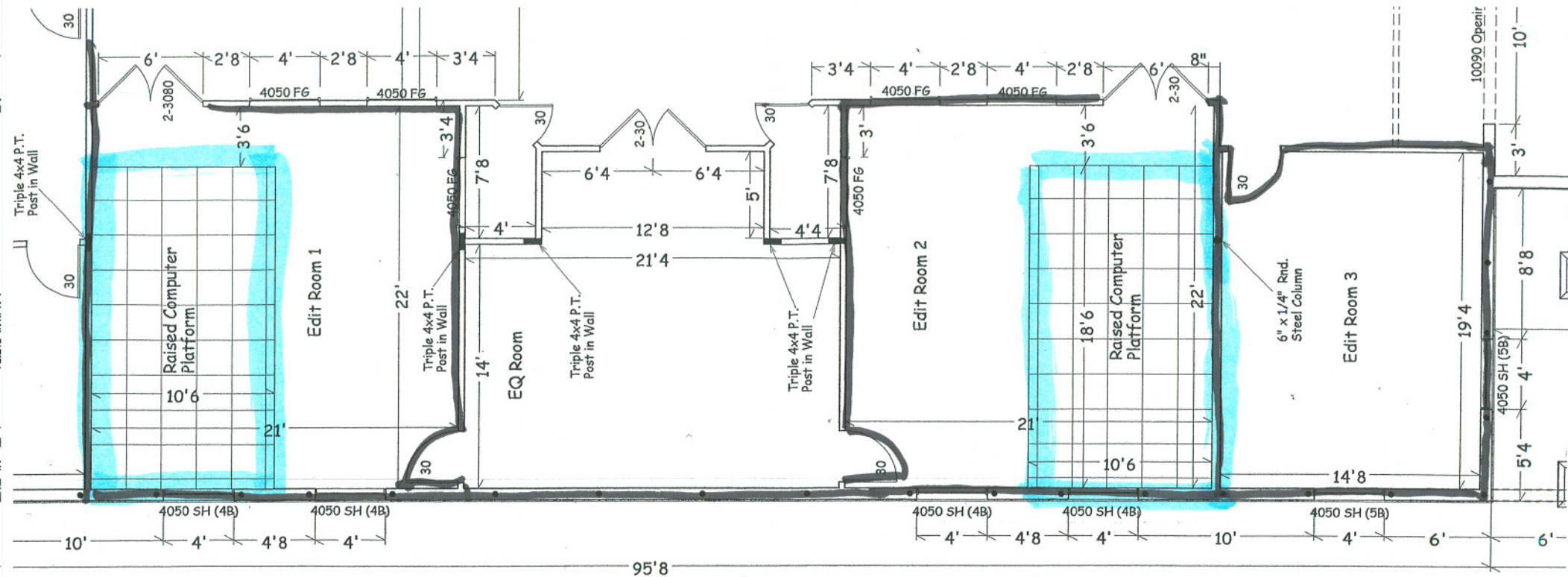
Contractor, License # CGC046482

P.S. My cell phone is 727-365-1800; e-mail is: atdoyle@tampabay.rr.com.



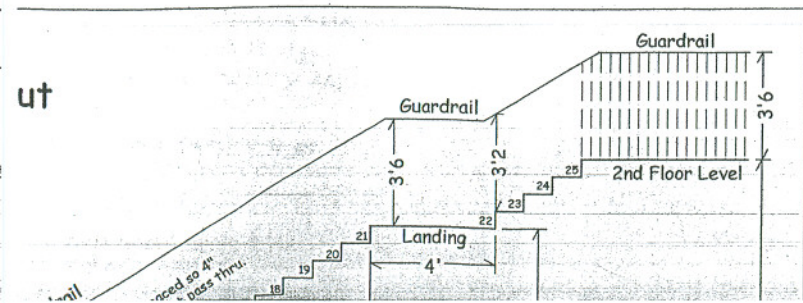






First Floor Plan 3/16" = 1'-0"  
 with raised platforms  
 in 2 Edit rooms

All CMU Lintel Configurations are  $\triangle$  4



Stair Code Notes

Window and Door  
 Design Pressures (psf)  
 (Fully Enclosed)

Opening Size (s.f.)	Wall Zone 4	Wall Zone 5
A	+36.9	+36.9
	20.2	16.4

DNP Commodity Circle project  
Photos of another location  
with edit rooms having 2 levels

