

Building Board of Adjustments and Appeals Application and Backup Material

In accordance with provisions of the Collier County Land Development Code, Section 8.05.00 entitled "Building Board of Adjustments and Appeals" adopted by the Board of County Commissioners, I hereby appeal to the Board of Adjustments and Appeals for the following opinion of the building department as it specifically relates to the requirements of the Florida Accessibility Code for Building Construction - 2012 [FACBC].

Question - Does Section 604.8.1.7 of the FACBC mandate the requirement to provide a lavatory within a single user toilet room as it specifically relates to the Creative World School Project in which there are single user toilet rooms serving the following rooms/spaces that are designed only with a toilet and the lavatory is located outside of the toilet room -

- ▶ Toddlers Daycare
- ▶ Twos Daycare
- ▶ Threes Daycare
- ▶ Fours Daycare

Response - Our answer is no, the FACBC does not require the lavatory to be within the single user toilet room.

Informational Backup - Pursuant to the Florida State Statutes and section 553.775 Interpretations (1) which states that it is the intent of the Legislature that the Florida Building Code and the Florida Accessibility Code for Building Construction be interpreted by building officials, local enforcement agencies, and the commission in a manner that protects the public safety, health, and welfare at the most reasonable cost to the consumer by ensuring uniform interpretations throughout the state and by providing processes for resolving disputes regarding interpretations of the Florida Building Code and the Florida Accessibility Code for Building Construction which are just and expeditious; we are requesting the Building Board of Adjustments and Appeals as it relates to an interpretation of the following accessibility code opinion by the plan reviewer as it relates to toilet rooms -

The question is does Section 604.8.1.7 of the FACBC mandate the requirement to provide a lavatory within a single user toilet room as it specifically relates to the Creative World School Project in which there are single user toilet rooms serving the following rooms/spaces that are designed only with a toilet and the lavatory is located outside of the toilet room -

- Toddlers Daycare
- Twos Daycare
- Threes Daycare
- Fours Daycare¹

¹The number relates to the age of the children within the room

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Project Comments - The architectural design firm received a plan review comment from Collier County requiring lavatories inside the toilet room within the daycare classrooms of this project. The current layout has one toilet in each toilet room within the daycare classrooms with an accessible lavatory outside of the single user toilet room. The plan reviewer cited the following sections of the FACBC - 213.2, 603 & 604.

Comments From The Plans Reviewer - Gentleman, Advisory 604.8.1.6 Lavatory and 604.8.1.7 Water Closet. Florida law, section 553.504(5), F.S., stipulates that "...required bathing rooms and toilet rooms in new construction shall be designed and constructed..." with an accessible lavatory in the wheelchair accessible compartment and the water closet located in a corner diagonal to the door. The ADA Standards for Accessible Design and therefore this code require wheelchair accessible compartments in new construction and in alterations of existing buildings to have self closing doors. While the Florida lavatory requirement and water closet placement apply only to new construction, they are desirable for all wheelchair accessible compartments and should be considered where feasible.

Respectfully,

Tim Rygiel, CFM
Plumbing Plans Examiner and Inspector

Response Comments - Here is what the section referenced actually states - 604.8.1.6 Lavatory. In new construction, **the wheelchair accessible toilet compartment** shall contain an accessible lavatory within it, which must be at least 19 inches wide by 17 inches deep, nominal size, and wall-mounted. The lavatory shall be mounted so as not to overlap the clear floorspace areas required by section 604 for the wheelchair accessible toilet compartment and shall comply with section 606. Such lavatories shall be counted as part of the required fixture count for the building. See also section 213.3.4.

Advisory 604.8.1.6 Lavatory and 604.8.1.7 Water Closet. Florida law, section 553.504(5), F.S., stipulates that "...required bathing rooms and toilet rooms in new construction shall be designed and constructed..." with an accessible lavatory in the wheelchair accessible compartment and the water closet located in a corner diagonal to the door. The ADA Standards for Accessible Design and therefore this code require wheelchair accessible compartments in new construction and in alterations of existing buildings to have self closing doors. While the Florida lavatory requirement and water closet placement apply only to new construction, they are desirable for all wheelchair accessible compartments and should be considered where feasible.

What The Florida State Statute States - 553.504 (5) Notwithstanding ss. 213 and 604 of the standards, required bathing rooms and toilet rooms in new construction shall be designed and constructed in accordance with the following:

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- (a) The wheelchair accessible toilet compartment must contain an accessible lavatory within it, which must be at least 19 inches wide by 17 inches deep, nominal size, and wall-mounted. The lavatory shall be mounted so as not to overlap the clear floor space areas required by s. 604 of the standards for the wheelchair accessible toilet compartment and comply with s. 606 of the standards. Such lavatories shall be counted as part of the required fixture count for the building.
- (b) The accessible water closet within the wheelchair accessible toilet compartment must be located in the corner, diagonal to the door.

FACBC- 2012 - 213.3 Plumbing Fixtures and Accessories. Plumbing fixtures and accessories provided in a toilet room or bathing room required to comply with 213.2 shall comply with 213.3.

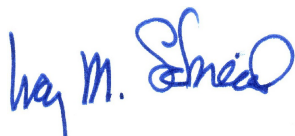
LMS Comments - It appears that Mr. Rygiel is reading the section regarding the requirement for an accessible lavatory within the wheelchair accessible toilet compartment to also mean that a lavatory is required within a toilet room. As you can see section 213.3 states that where plumbing fixtures and accessories are provided in a toilet room that they are required to be accessible pursuant to the rest of that section; however it does not mandate that a lavatory be provided within a toilet room. Florida State Statutes clearly states that the lavatory is required, under new construction, that a wheelchair accessible toilet compartment must contain an accessible lavatory within it. The toilet room in question is a single user toilet room serving the daycare rooms. It has been standard design practice that for this age group, 2, 3, and 4 year olds, within a daycare facility, that the toilet room only has a toilet in it and that the lavatory be located outside the toilet room, within the daycare room.

There is a common area accessible toilet room, with a lavatory within it for the staff. So, the question is does the FACBC - 2012 require that a lavatory be provided within a toilet room?

Pursuant to the applicable sections referenced above and the language of the Florida State Statute it is our opinion that the FACBC does not require a lavatory within a single user toilet room; but it does require a lavatory within an accessible toilet compartment in new construction.

Attached you will find copies of the floor plans of the project in question. We look forward to meeting with you to address and resolve this interpretation of the FACBC.

Thank you,

A handwritten signature in blue ink that reads "Larry M. Schneider". The signature is written in a cursive, flowing style.

Larry M Schneider AIA