

January 31, 2019

MINUTES OF THE MEETING OF THE COLLIER COUNTY  
BOARD OF ADJUSTMENT AND APPEALS  
Naples, Florida, January 31, 2019

LET IT BE REMEMBERED, the Collier County Board of Adjustment and Appeals in and for the County of Collier, having conducted business herein, met on this date at 2:00 P.M. in REGULAR SESSION at the Collier County Growth Management Division Building, Conference Room #609/610, 2800 N. Horseshoe Drive, Naples, Florida, with the following members present:

Chairman: John Melton  
Eloy Ricardo  
Randy Anderson  
(Vacancy)  
(Vacancy)

ALSO PRESENT:

Judy Puig, Operations Analyst, Staff Liaison  
Rich Long, Director, Building Plans Review and Inspections  
Jonathan Walsh, Chief Building Official  
Tim Rygiel, Plumbing Plans Examiner and Inspector

**Call to Order – Chairman**

**Chairman Melton** called the meeting to order at 2:20 p.m.

**I. Approval of Agenda**

*Mr. Anderson moved to approve the Agenda. Second by Mr. Ricardo. Carried unanimously 3 – 0.*

**II. Public Speakers**

None

**III. Agenda Item**

**A. Interpretation of the Florida Accessibility Code advisory 604.8.1.6 Lavatory and 604.8.1.7 Water Closet**

**Creative World Schools was represented by Marianne Whitehouse (Director), Larry Schneider, Architect and Michael Patterson, Architect.**

**Mr. Schneider** reported that the request is in response to a comment received from the plan reviewer regarding an application for a day care center and the bathrooms proposed in the classrooms. He noted:

- That the design proposes a toilet in each classroom, with the lavatory outside the room.
- The design firm received a plan review comment from Collier County requiring a lavatory to be located inside the toilet room.
- The plan review cited FACBC 213.2, (Florida Accessibility Code for Building Construction) 603 and 604 in the determination.
- Section 553.504(5) of the Florida Statute states “*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: (a)The wheelchair accessible toilet compartment must contain an accessible lavatory within it...*”. The remainder of the language addresses the standards for the lavatory and the Statute does not require a lavatory in a single user toilet room.
- Section 604.1.6 Lavatory of the FBC also references standards for a “wheelchair accessible compartment” when requiring the lavatory.
- Staff is interpreting the Sections regarding the requirement for the lavatory within a wheelchair accessible toilet compartment (an area within a toilet room) as a standard for a single user toilet room.
- In his opinion, a single user toilet room does not require a lavatory under the current standards.

**Ms. Whitehouse** reported that they have 17 schools in Florida which have been approved with a similar classroom design. The space is used by children 2 – 4 years old who are supervised and required to wash their hands after using the bathroom. She can provide the permits issued if required.

The following was noted by the applicants and/or representatives during Committee discussion:

- That the proposed sink outside the toilet room is ADA accessible.
- Re-design of the toilet room to incorporate a sink could have an impact on the occupancy of the building as the number of students is based on square footage requirements.

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- There are other handicap bathrooms proposed in the front and rear of the building for use by patrons.
- The classroom bathrooms are designed to be handicap accessible.
- The use is “educational occupancy” under the FBC (Florida Building Code) and there are a certain number of bathrooms required, however they do not have to be located in the classroom.

**Mr. Walsh** reported:

- That Section 213.2 of the FACBC states a single user toilet room “... shall contain not more than one lavatory...”
- If the application was for renovation of an existing space as opposed to new construction, there is a possibility a different standard may apply.
- He contacted Building Officials in other jurisdictions (Sarasota County, Charlotte County, City of Marco Island, City of Naples who notified him verbally a lavatory would be required in the room for this application. Lee County did not respond to the request.
- He did receive written comment from Kevin Barry of ADA Consulting of SWFL, LLC. dated January 25, 2019, on the matter.
- The space is intended for a wheelchair user which also requires a lavatory in the area according to Section 553.504 of the Florida Statute.
- A waiver, Declaratory Statement, etc. could be obtained from the Florida Building Commission and Staff would support any request should the applicant choose this route.

**Mr. Ricardo** moved to uphold Staff's determination in requiring a lavatory in the single user toilet room for the Creative World School application. Second by Mr. Anderson. Carried unanimously 3 – 0.

**IV. Committee Member Comments**

None

There being no further business for the good of the County, the meeting was adjourned by the order of the Chair at 3:20 P.M.

**COLLIER COUNTY BOARD OF ADJUSTMENT  
AND APPEALS**



\_\_\_\_\_  
**Chairman, John Melton**

These Minutes were approved by the Board/Chairman on 2/15/2019,  
as presented X, or as amended \_\_\_\_\_.

*Approval of Minutes from the Board of Adjustments & Appeals meeting:*

I, Eloy Ricardo, hereby acknowledge I have received and read the minutes of the meeting of the Board of Adjustment and Appeals held on January 31, 2019.

*I approve the Minutes as submitted.*



Name

Member - Board of Adjustment & Appeals

***Approval of Minutes from the Board of Adjustments & Appeals meeting:***

***I, John Melton, hereby acknowledge I have received and read the minutes of the meeting of the Board of Adjustment and Appeals held on January 31, 2019.***

***I approve the Minutes as submitted.***



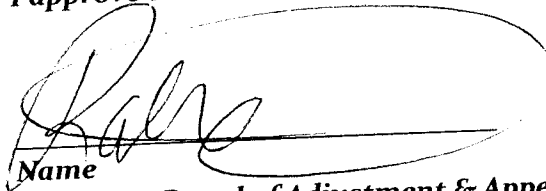
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***Name  
Member - Board of Adjustment & Appeals***

**Approval of Minutes from the Board of Adjustments & Appeals meeting:**

I, Randy Anderson, hereby acknowledge I have received and read the minutes of the meeting of the Board of Adjustment and Appeals held on January 31, 2019.

**I approve the Minutes as submitted.**



**Name**

**Member - Board of Adjustment & Appeals**