

ACADEMY FOR INTERNATIONAL STUDIES, INC.

Issue: Vertical accessibility to the second floor of a classroom building.

Analysis: The applicant is requesting a waiver from providing vertical accessibility to the second floor of a classroom building that is being leased by a charter school. The cost of the alteration is estimated to be \$7,500 and include installing graspable handrails on the stairs, auto closers for the classroom doors, adjusting window handles, installing panic bar hardware and providing a water fountain. No permitting was required other than for the water fountain so there has been limited involvement by the local building department. In order for the tenant to occupy the space, an occupational license is needed which stipulated that the applicant obtain a waiver for the second floor.

Project Progress:

The project is under construction.

Items to be Waived:

Vertical accessibility to the second floor, 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: Academy for International Studies, Inc., charter middle school.

Address: 717 Prosperity Farms Road, North Palm Beach, Florida 33408

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: Damian Brink, Chairman, Academy for International Studies, Inc.

Applicant's Address: 757 Lighthouse Drive, North Palm Beach, Florida 33408

Applicant's Telephone: 561-776-1130 **FAX:** 561-776-0975

Applicant's E-mail Address: Damian@kildayinc.com

Relationship to Owner: Board Chairman

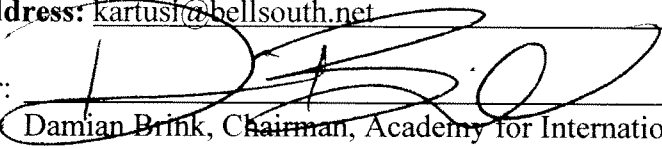
Owner's Name: Academy for International Studies, Inc., attention Kendall Artusi, Principal

Owner's Address: 757 Lighthouse Drive, North Palm Beach, FL 33408

Owner's Telephone: 561-776-1130 **FAX** 561-776-0975

Owner's E-mail Address: kartusi@bellsouth.net

Signature of Owner:


Damian Brink, Chairman, Academy for International Studies, Inc.

Contact Person: Corey W. O'Gorman

Contact Person's Telephone: 561-844-1485 **E-mail Address:** ocorey328@bellsouth.net

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 facility is an existing 2-story building used by the First Presbyterian Church of North Palm Beach for Christian education. The first floor space of this 2-story building is used regularly by the church and was not available for lease by the Academy for International Studies (AIS) charter school except for one room which is planned to be used by AIS as an office. This first floor room is also large enough (approximately 14' x 22") that it could double as classroom space for students that are not able to access the second floor.

The second floor space is only used after Church services on Wednesday evenings and Sundays and consists of four classrooms of approximately 27' x 20' each, a fifth classroom approximately 20' x 13', and a small storage area. The second floor space also includes an interior hallway, an exterior canopied walkway, boys and girls restrooms, and stairs at both ends of the building. The total square footage (including the ground floor office) is approximately 3,500. Photographs of the building, the courtyard to the south, and these second floor spaces are included for information.

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

Total estimated cost for the planned improvements is \$7,500. This includes the cost to install improvements that are necessary based on inspection by the Palm Beach County School District, the Village of North Palm Beach Public Safety (fire) Department, and the Palm Beach County Health Department. The improvements include installing graspable handrails on the two stair cases; auto closers for the classroom doors in order to provide a fire rated corridor; adjusting window handles as required for them to serve as emergency exits; installing panic bar hardware on the main corridor exit doors; and installing a water fountain.

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.

Because the required improvements to the existing facility are relatively minor, no design is needed and consequently the project is not in plan review, nor is it under construction or constructed. Based on discussions with the Village of North Palm Beach Building Department, in order for AIS to utilize the classroom space, an occupational license is required and because the classrooms are on the second floor, a waiver to the accessibility requirements is also necessary. The building department has also stated that a permit is required only for the installation of the water fountain, which would be obtained by a licensed contractor after the specific requirements of the health department are determined and a contractor selected.

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

Issue

1: Section 553.509 Vertical Accessibility. This is for use of the second floor space as the primary location for classes.

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.

[X] The hardship is caused by a condition or set of conditions affecting the owner which does not affect owners in general.

As tenants, the Academy for International Studies is currently housed in another location (Lighthouse Baptist Church, 757 Lighthouse Drive, North Palm Beach, which is across the street to the southeast of the First Presbyterian Church facility) along with its “sister” elementary school Bright Futures International (BFI). The landlord at the present location no longer desires to have middle school aged students at the Baptist Church, and will not renew the AIS lease for the upcoming school year starting in the fall of 2007. Consequently AIS and BFI began searching for an existing facility or vacant land that could be purchased and become the permanent location of both schools. When it became apparent that it would not be possible to purchase and renovate or construct a new facility by the fall of 2007, AIS and BFI began searching for interim solutions. Several facilities were considered and because the classroom space at the First Presbyterian

Church is in large enough to accommodate the sixth, seventh and eighth grade classes and is in a “move-in” condition, negotiations with that church commenced and have successfully concluded. The lease provides for a one-year with four (4) one-year extensions. Therefore, improvements to the classroom space at the First Presbyterian Church are planned to only be those that are necessary to occupy that space on an interim, temporary basis until a permanent location is found.

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

If the waiver is denied the owner will be required to provide vertical accessibility by installing an elevator or lift and would be responsible to pay for those related costs. This includes design fees, purchasing elevator or lift equipment, as well as construction of related walkways to provide access, other possible surface improvements, foundation, electrical improvements, enclosure, and modifications to the second floor area to enable access from the lift or elevator. In addition to these costs there would need to be sufficient time to facilitate the design, permitting and installation of the improvements. Since AIS needs to be open at the First Presbyterian Church facility in August of 2007, there would be only two to three months to complete these tasks, which is not enough time.

[X] 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.

The owner became aware of the need to apply for a waiver to the accessibility requirements in late March based on information provided by the Village of North Palm Beach Building Department. Although there has not been sufficient time to schedule a site inspection with firms qualified to do all the work necessary and to provide the designs needed for bidding purposes, two firms have been identified whose specialty is the installation of elevator and lift equipment. Options for providing second floor accessibility were discussed by phone and order-of-magnitude cost estimates provided.

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. The firm of Action Mobility Products and Services in Lake Worth, Florida was contacted to discuss options and identify potential costs. Based on telephone conversation with that firm the most cost effective method of providing vertical accessibility is using a lift rather than elevator. Although they did not feel comfortable quoting a price for improvements such as electrical, enclosures, etc., they did state that the lift itself should cost approximately \$20,000 to \$25,000 to purchase and the related improvements would be extra.

b. The firm of Accessibility Systems by Weber in Boca Raton, Florida was also contacted to discuss options and identify potential costs. Based on that conversation and their experience with projects similar to this one, an order-of-magnitude cost estimate of \$30,000 was provided for installation of a lift (the elevator would be higher) and related improvements such as electric, first and second floor modifications, and an enclosure.

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.

NOT APPLICABLE

Signature

Printed Name


Phone number _____

(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 Fifth day of April, 2007


Signature

Damian Brink, Board Chairman

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.

5' CONC. SIDEWALK

EXISTING GRASS SWALE

EXISTING ACCESS DRIVE

2" SCHED. 40 PVC WATER SERVICE

EXISTING 2" WATER VALVE

90° BEND

2" SHED. 40 PVC WATER SERVICE

EXISTING 2" METER & BACKFLOW PREVENTOR

CUT IN 2" x 2" TEE JUST DOWNSTREAM OF THE EXISTING BACKFLOW PREVENTOR. CONTRACTOR SHALL PROVIDE ALL NECESSARY ADAPTORS AND FITTINGS.

EXISTING SANCTUARY

2' TYP.

22 1/2" BEND

EXISTING CHRISTIAN EDUCATION BUILDING

EXISTING AREA DRAIN 18" C.A.P. STEEL GRATE N.I.N.V.

2" x 2" x 2" TEE

6" C.O.

4" C.O. (BLUE)

6" C.O.

GATHERING

EXISTING AREA DRAIN

EXISTING 4" C.O.

1/2" BRASS BALL

4-D

4-C

2-ND

1-1

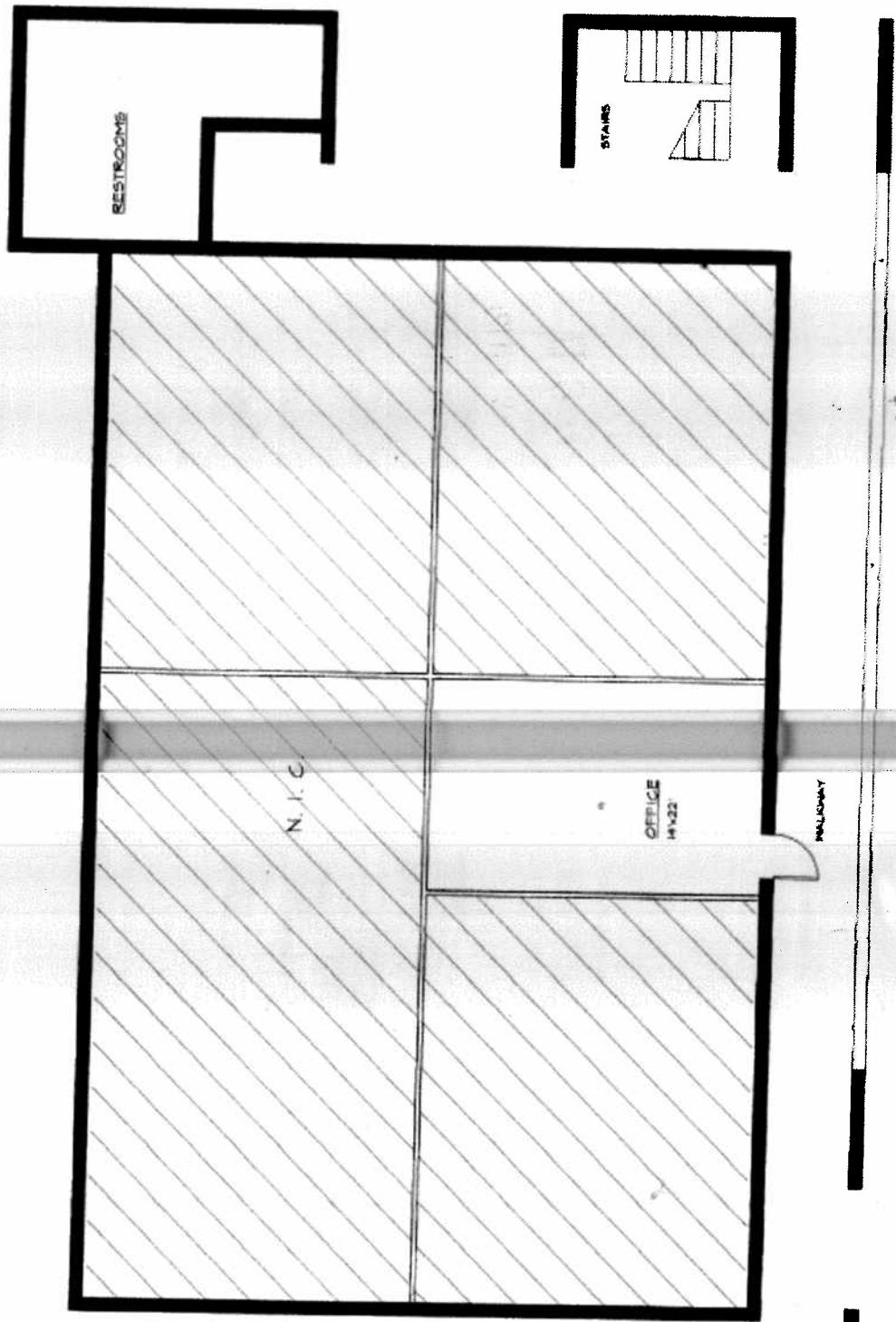
00%

00%

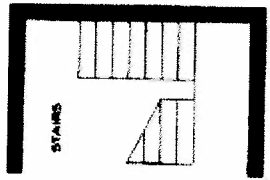
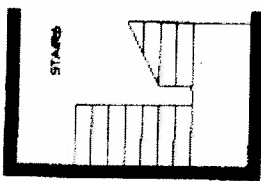


Edward V. McIntyre, Architect
532 Cypress Road
North Palm Beach, FL 33408
(561) 841 7753

Bright Futures International
Academy for International Studies
First Presbyterian Church
North Palm Beach, FL



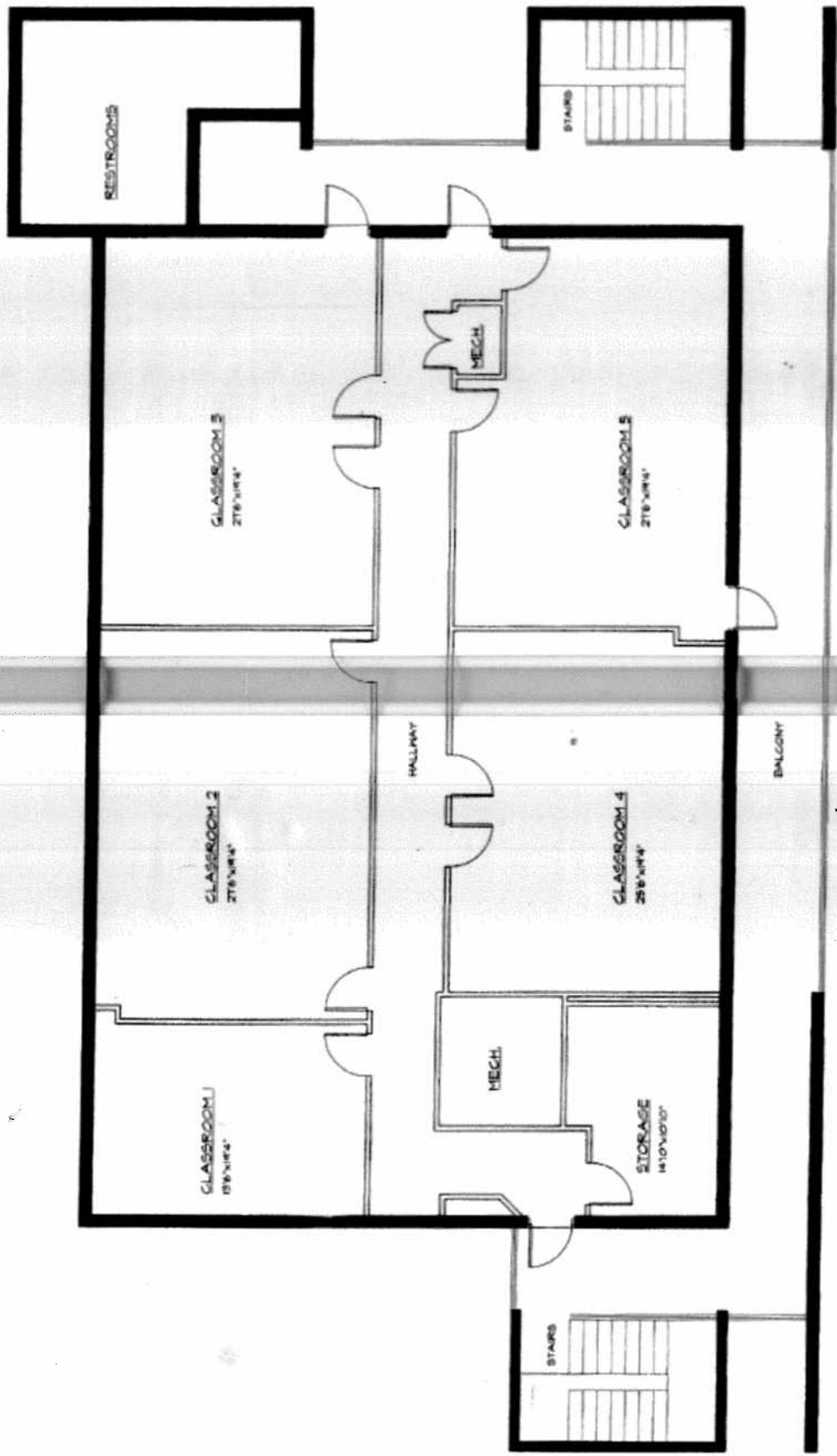
FIRST FLOOR PLAN





Edward V. McIntyre, Architect
532 Capline Road
North Palm Beach, FL 33408
(561) 841 7753

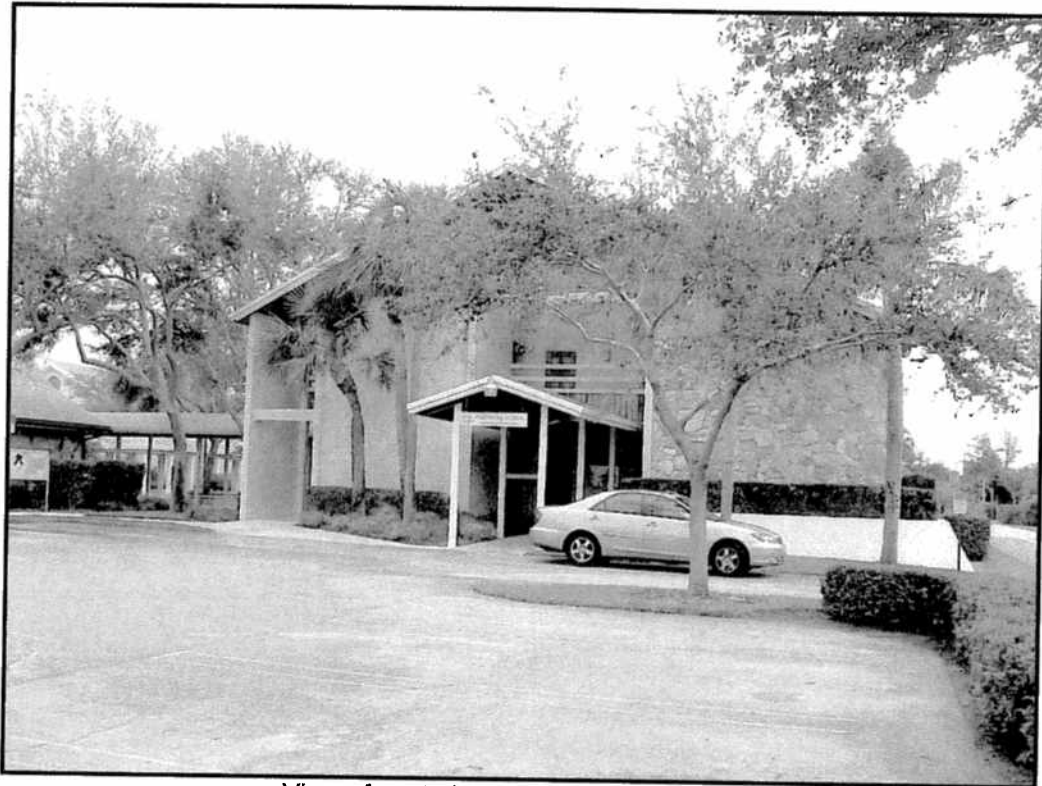
Bright Futures International
Academy for International Studies
First Presbyterian Church
North Palm Beach, FL



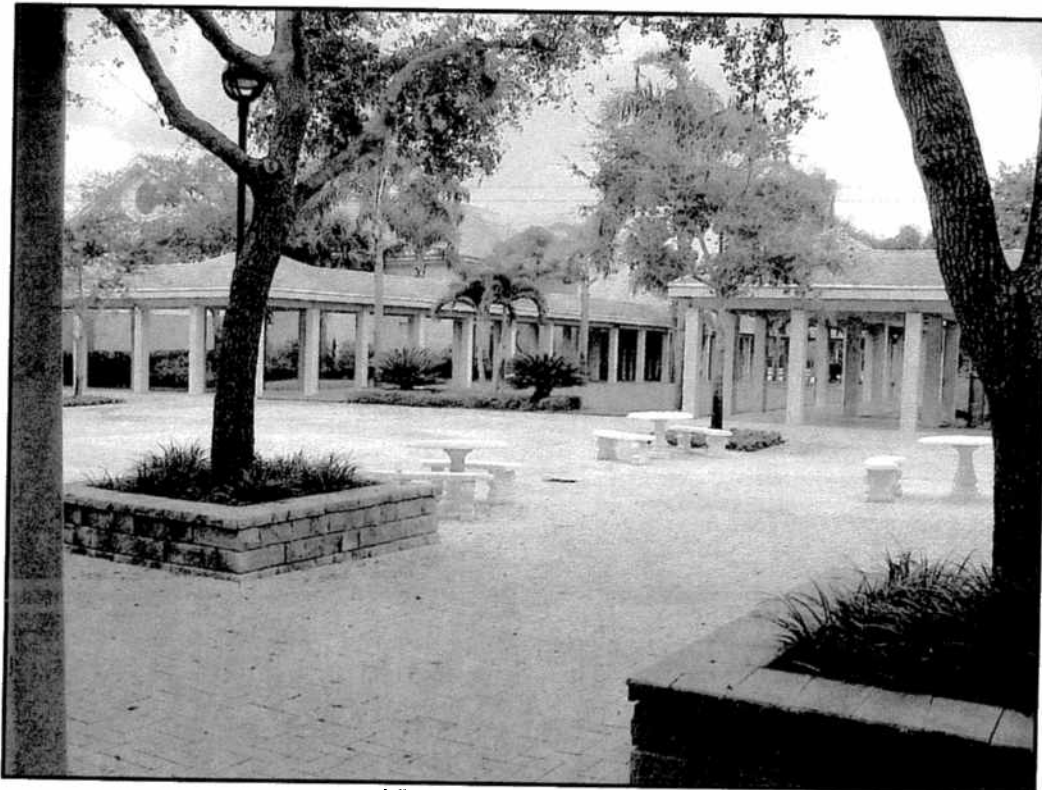
SECOND FLOOR PLAN



**The Academy for International Studies
Request for Waiver from Accessibility Requirements
Existing Facility Photographs**

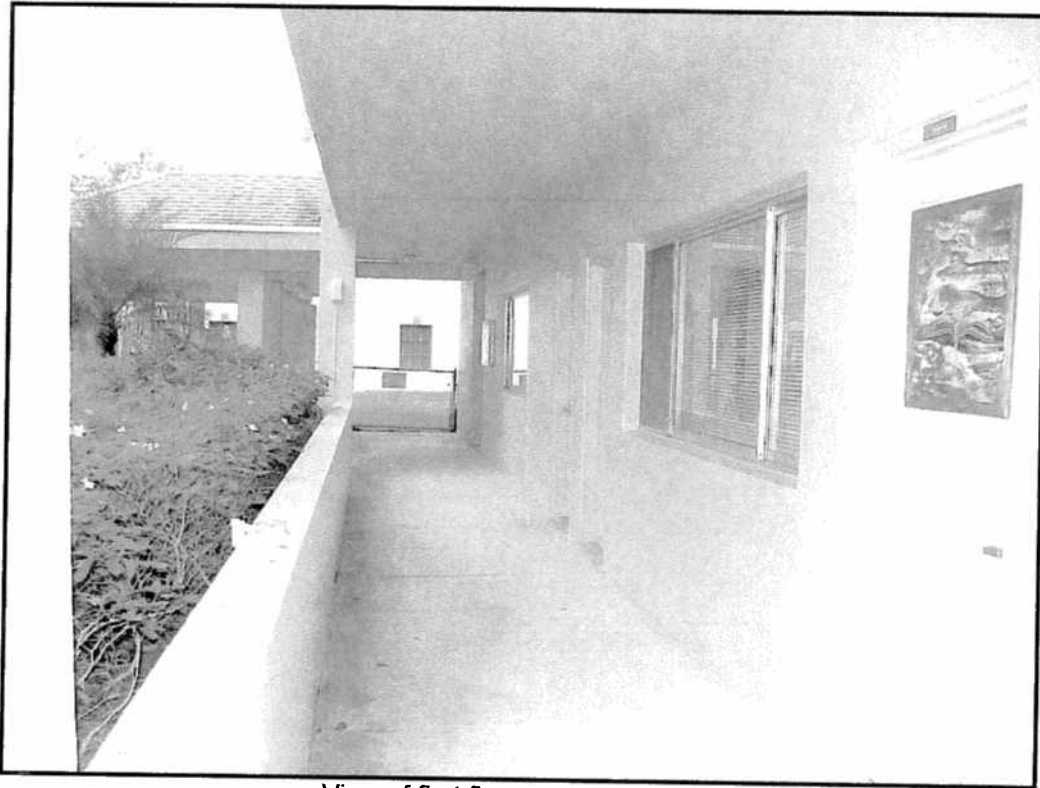


View of east elevation of existing facility

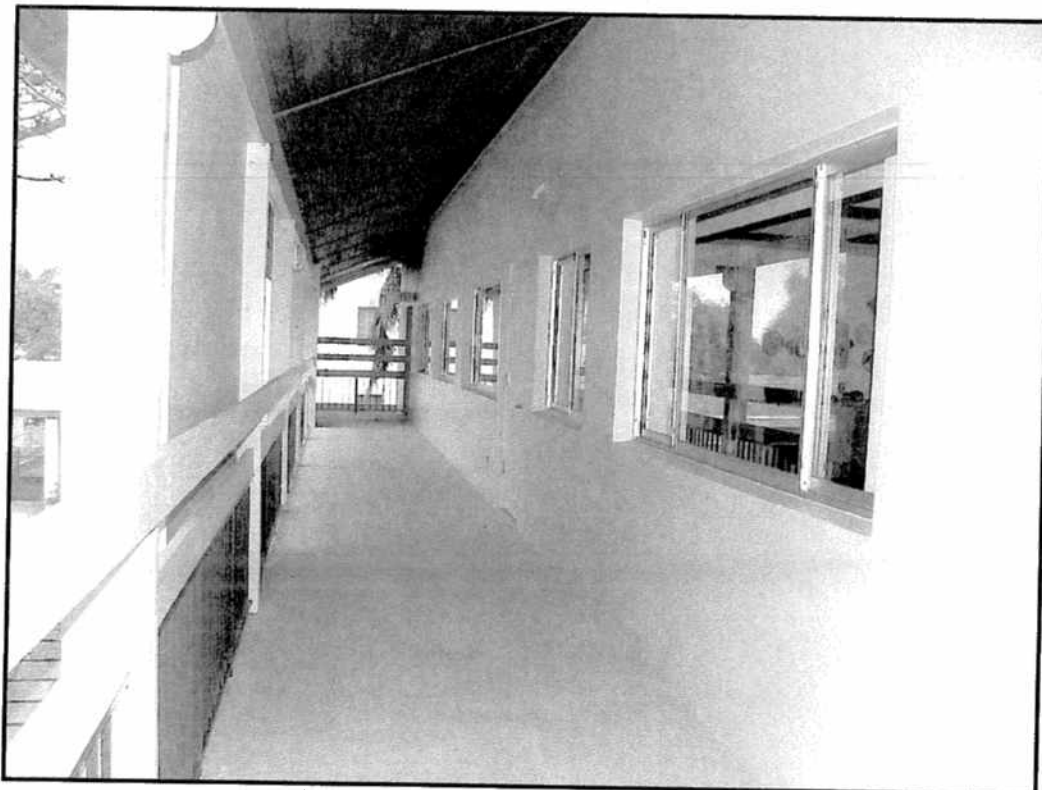


View of courtyard area

**The Academy for International Studies
Request for Waiver from Accessibility Requirements
Existing Facility Photographs**

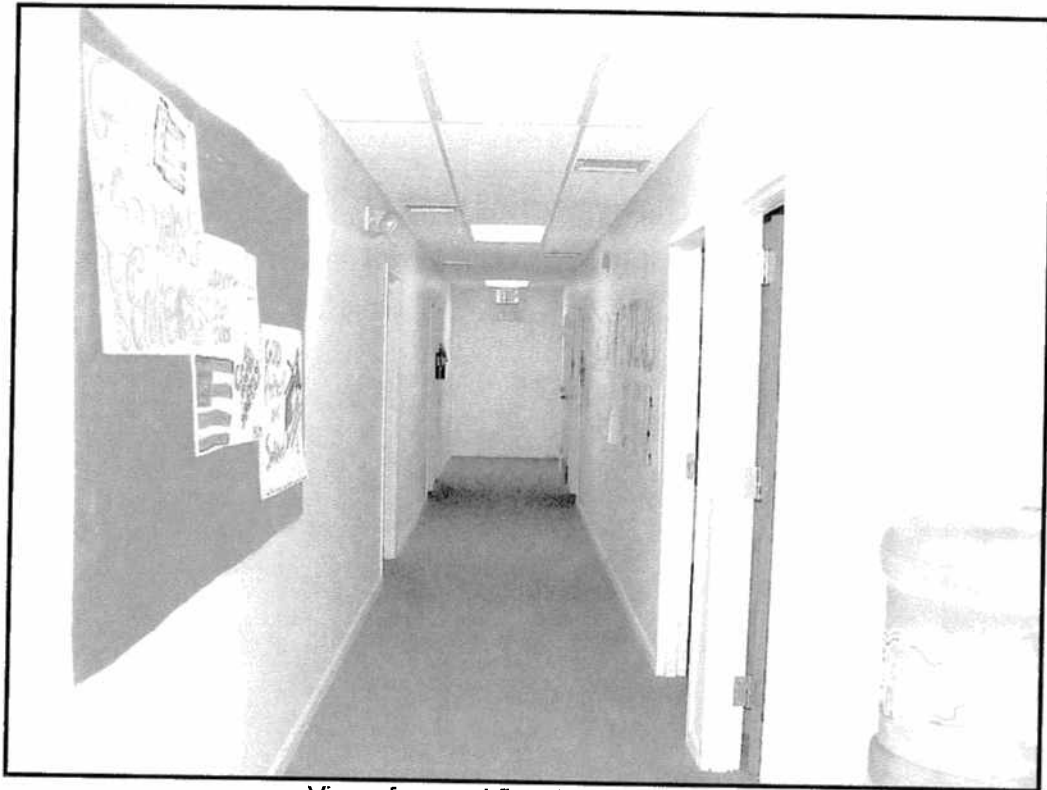


View of first floor exterior corridor

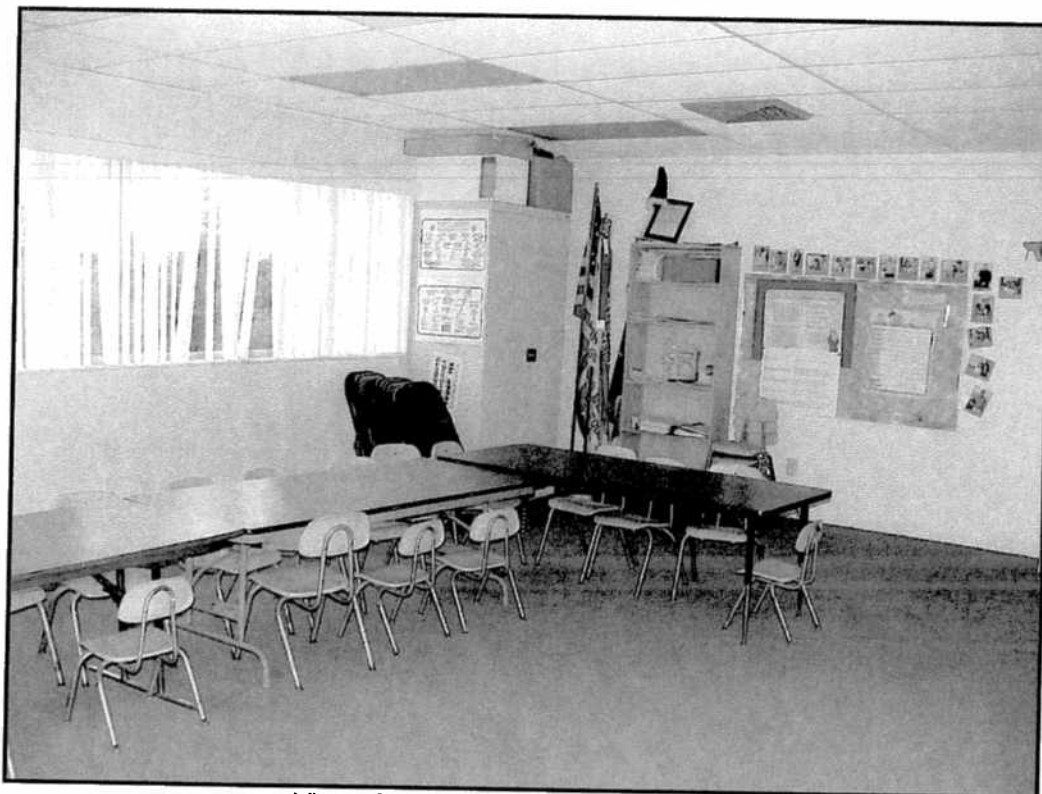


View of second floor exterior corridor

**The Academy for International Studies
Request for Waiver from Accessibility Requirements
Existing Facility Photographs**



View of second floor interior corridor



View of typical second floor classroom

Corey W. O'Gorman
A.I.C.P.

409 Gulf Road
North Palm Beach, Florida 33408
Phone 561-844-1485
Fax 561-844-7521
Cellular 561-801-2461
ocorey328@bellsouth.net

April 5, 2007

Department of Community Affairs
Florida Building Commission
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100

Att: Mary-Kathryn Smith

Re: Application for Waiver from the Accessibility Requirements
Academy for International Studies – North Palm Beach, Florida

Dear Ms. Smith:

Enclosed for your review and use, and consideration by the Accessibility Advisory Council and the Florida Building Commission is a completed *Request for Waiver from Accessibility Requirements of Chapter 533, Part V, Florida Statutes* and associated back-up material. I have not yet received the recommendation from the local building department but will send that to you as soon as I get it.

On behalf of the Owner and Applicant, the Academy for International Studies (AIS) charter middle school, I respectfully request approval of our application and appreciate your thoughtful consideration of the request. Following describes the enclosures:

- “Drawings that will clearly present your project and that identify the issue(s) that relate to the waiver you are requesting.” The facility that we are requesting a waiver for is at a church campus where all the improvements currently exist as shown on the site plan. Enclosed plans include:
 - Sheet 1 – Site Plan. The site plan, provide by the church, was prepared in 1996 for the installation of utilities associated with the addition of the “New Christian Education/Admin. Building”, and the “New Fellowship Hall Building”. The building that is the subject of this application is the “Existing Christian Education Building”, and is highlighted in yellow.
 - Sheet 2 – Traffic Circulation Plan. This sheet illustrates how the traffic flow is proposed to work for AIS students, shows the “lease premises” and is a graphic prepared using the site plan also used for Sheet 1.
 - Sheet 3 – 1st Floor. This sheet was prepared by Mr. Edward McIntyre (a parent of one of the students) and is intended to illustrate the size, dimension and location of the existing first floor space that will be utilized by AIS as office space in the “Existing Christian Education Building” shown on Sheets 1 and the “Lease Premises” shown on Sheet 2. The balance of the space shown in cross-hatch is not a part of this application.

- Sheet 4 – 2nd Floor. This sheet was also prepared by Mr. McIntyre and is intended to illustrate the size, dimension and location of the existing second floor space that will be utilized by AIS as classroom space in the “Existing Christian Education Building” shown on Sheets 1 and “Lease Premises” on Sheet 2.
- One set of reduced drawings. Provided. See description above.
- Overhead transparencies. Provided. See description above.
- Supporting cost estimates. See description in Section 8 of the application.
- Photographs. There are 40 color copies of the existing building attached.
- Hard copy and CD. Enclosed.

As generally described in the application AIS and its sister school Bright Futures International (BFI) elementary school, are currently housed at the Lighthouse Baptist Church almost directly across the street from the subject site. Because the pastor of the Baptist Church desires for the middle school aged students to be relocated, AIS and BFI had been seeking a permanent location where they could both move. Since a new location for both schools could not be found in time for the beginning of the fall term in 2007, short-term interim alternatives were sought. The subject site and building was selected because of its proximity to the existing school and that the facility is in “move-in” condition.

During the course of evaluating the process for locating the middle school classes at the subject site, inspections were conducted by the Palm Beach County School District, the Palm Beach County Health Department, and the Village of North Palm Beach Public Safety (fire) Department. A list of items required was generated including installing graspable handrails, automatic door closers on interior classroom doors, panic hardware on the corridor exit doors and installation of a water fountain. In addition, the Village of North Palm Beach Building Department provided AIS with the Waiver application to submit to the Department of Community Affairs. Consequently AIS is currently in the process of addressing all of the items presented to it in order to occupy the 2nd floor classroom space depicted on the enclosed plans.

AIS and BFI are “A”-rated charter middle and elementary schools that promote internationalism and foreign language in a warm supportive school climate. The charter schools prepare the students to live in a diverse, multicultural world, and encourage the highest ideals of tolerance, personal integrity, and social responsibility to prepare them for the challenges of an ever shrinking world. We appreciate your consideration in review of this application and will be glad to answer any questions.

Sincerely,



Corey W. O'Gorman, AICP

/co

Enclosures