

MIDDLE SCHOOL "EE" – NORTH PORT

Issue: Vertical accessibility to all rows of retractable bleachers.

Analysis: The applicant is requesting a waiver from providing vertical accessibility to all rows of retractable bleachers in a new \$3,990,000 gymnasium. The retractable bleacher system will provide 600 seats including 12 wheelchair locations with companion seating. No cost estimates were provided, as the applicant stipulated the issue is not cost, but technical infeasibility to provide vertical access to all rows of seats in a bleacher system of this nature.

Project Progress:

The project is under construction.

Items to be Waived:

Vertical accessibility to all rows of seats, 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.

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 project includes the construction of a new gymnasium building for Middle School "EE" in North Port, Florida for the School Board of Sarasota County. The new gymnasium building is one of 10 buildings being constructed for Middle School "EE". It is one story and approximately 27,086 square feet. The gymnasium accommodates various P.E. activities including basketball, volleyball, and school gatherings. The indoor, telescoping, retractable bleachers are power-activated and seat 294 on each side of the main court. Twelve (12) wheel chair spaces are provided on the main floor of the gymnasium and are distributed across the front of the bleacher sections. There are 600 seats at the bleachers, including the 12 wheel chair spaces.

5. Project Construction Cost (Provide cost for new construction, the addition or the alteration): _____ approximately \$3,990,000 for the gymnasium building

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.

It has been determined by the building code official that a waiver for vertical accessibility for indoor, telescoping bleachers is required.

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

Issue

Compliance with vertical accessibility to all rows in a bleacher system as required by Section 553.509 of the Florida State 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.

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.

An extreme hardship exists. Providing wheelchair access to all levels of indoor, telescoping, retractable bleachers is, for all intents and purposes, technically infeasible. Bleacher manufacturers do not make a retractable bleacher system that provides vertical accessibility to all areas of seating. Instead, wheelchair spaces are provided in the first rows of the bleachers and dispersed across the sections.

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.

No cost estimates are provided since the issue is a matter of technical infeasibility. No bleacher manufacturer makes a system that provides wheelchair access to all the locations and levels of telescoping, retractable bleachers.

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.

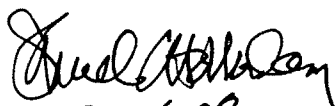
A waiver for vertical accessibility to all rows of the indoor, telescoping, retractable bleachers is necessary due to Section 553.509 of the Florida Statutes and Section 11-4.1.3 (5) of the Florida Building Code. Compliance with vertical accessibility to all rows of the bleachers is technically infeasible and would create an extreme hardship.


Signature

Michael Epstein, AIA
Printed Name

Phone number 941-366-9161

(SEAL)


3.25.08

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 25th day of March, 2008


Signature

Michael Epstein
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.

Florida State Statute requires vertical accessibility to all levels. Under this situation, it is not economically feasible, nor practical and I support the attached waiver from the Statute.

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 _____

Comments/Recommendation

_____ Recommend Approval

Jurisdiction _____ The School Board of Sarasota County County

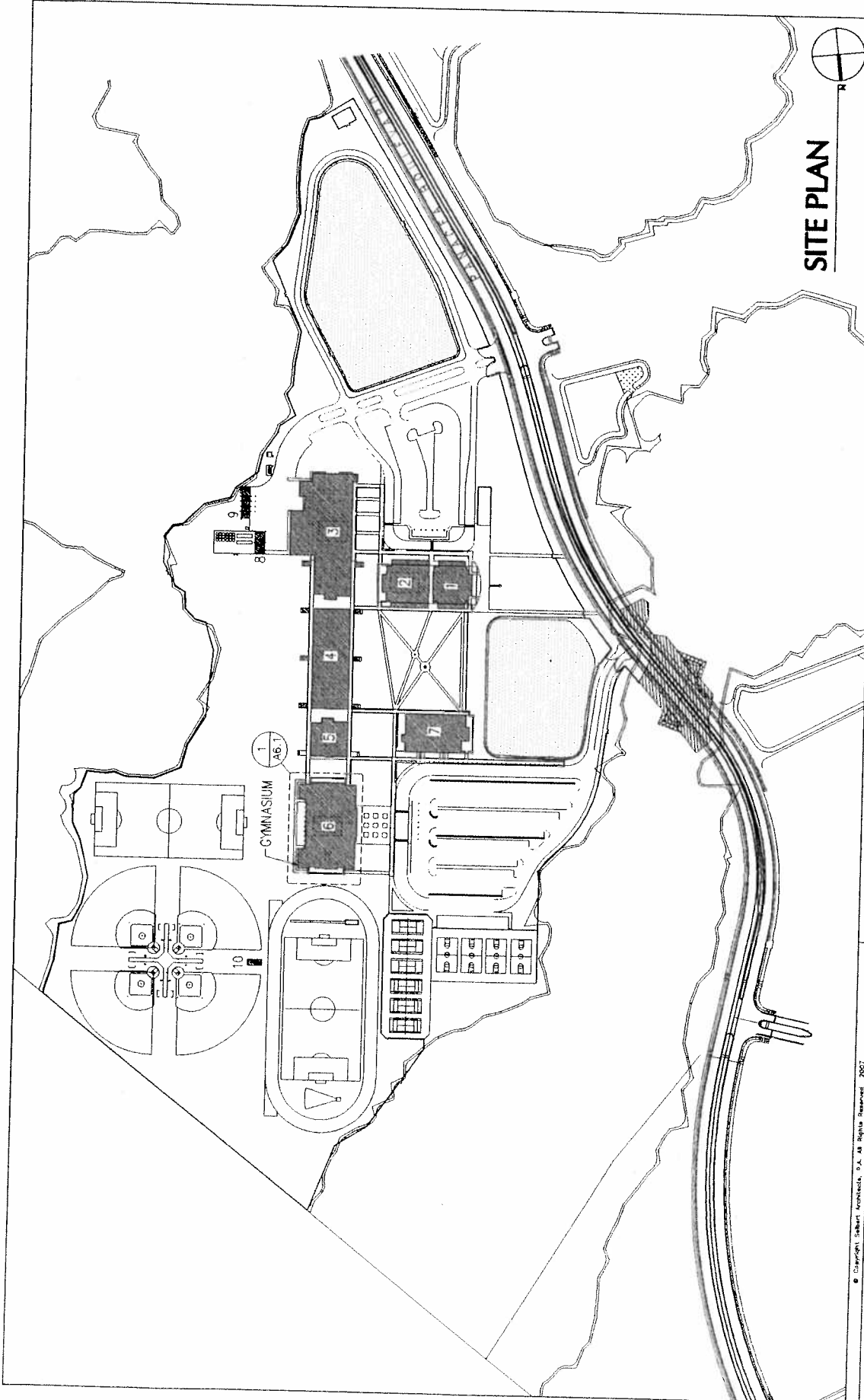
Building Official or Designee 
Signature

_____ Cletis Michael Foley
Printed Name

_____ BU-1255
Certification Number

_____ 941-361-6680 / 941-361-6684
Telephone/FAX

Address: _____ 7895 Fruitville Road, Sarasota, Florida 34240

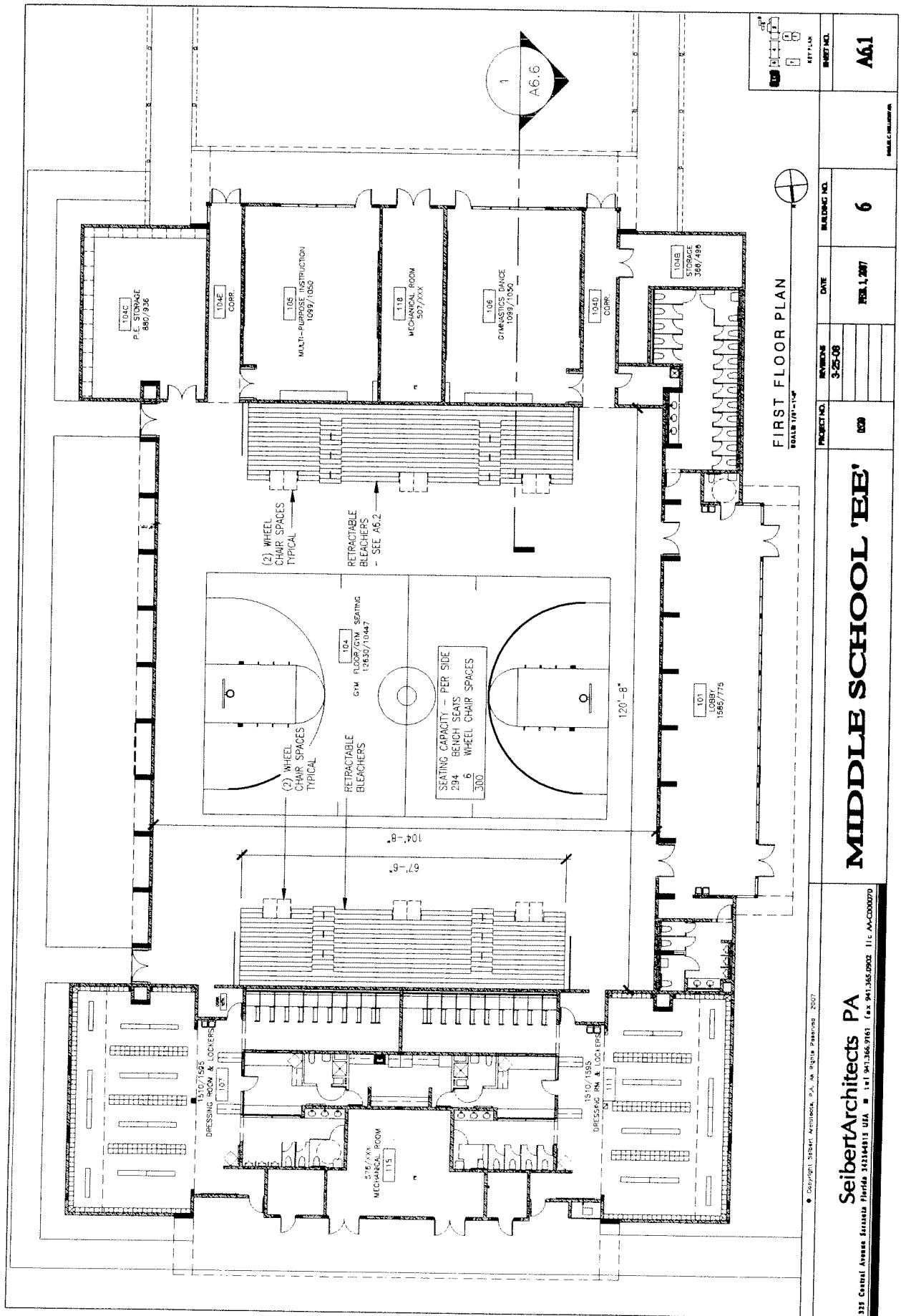


SITE PLAN



<p>SeibertArchitects PA 318 Central Avenue Sarasota Florida 34234-0113 USA • Tel: 941-566-3761 Fax: 941-566-0902 Lic: AAC-000070</p>		<p>MIDDLE SCHOOL 'EE'</p>		<p>PROJECT NO. 0020</p>	<p>REVISIONS 3-25-08</p>	<p>DATE FEB. 1, 2007</p>	<p>BUILDING NO.</p>	<p>SHEET NO. A1.0</p>
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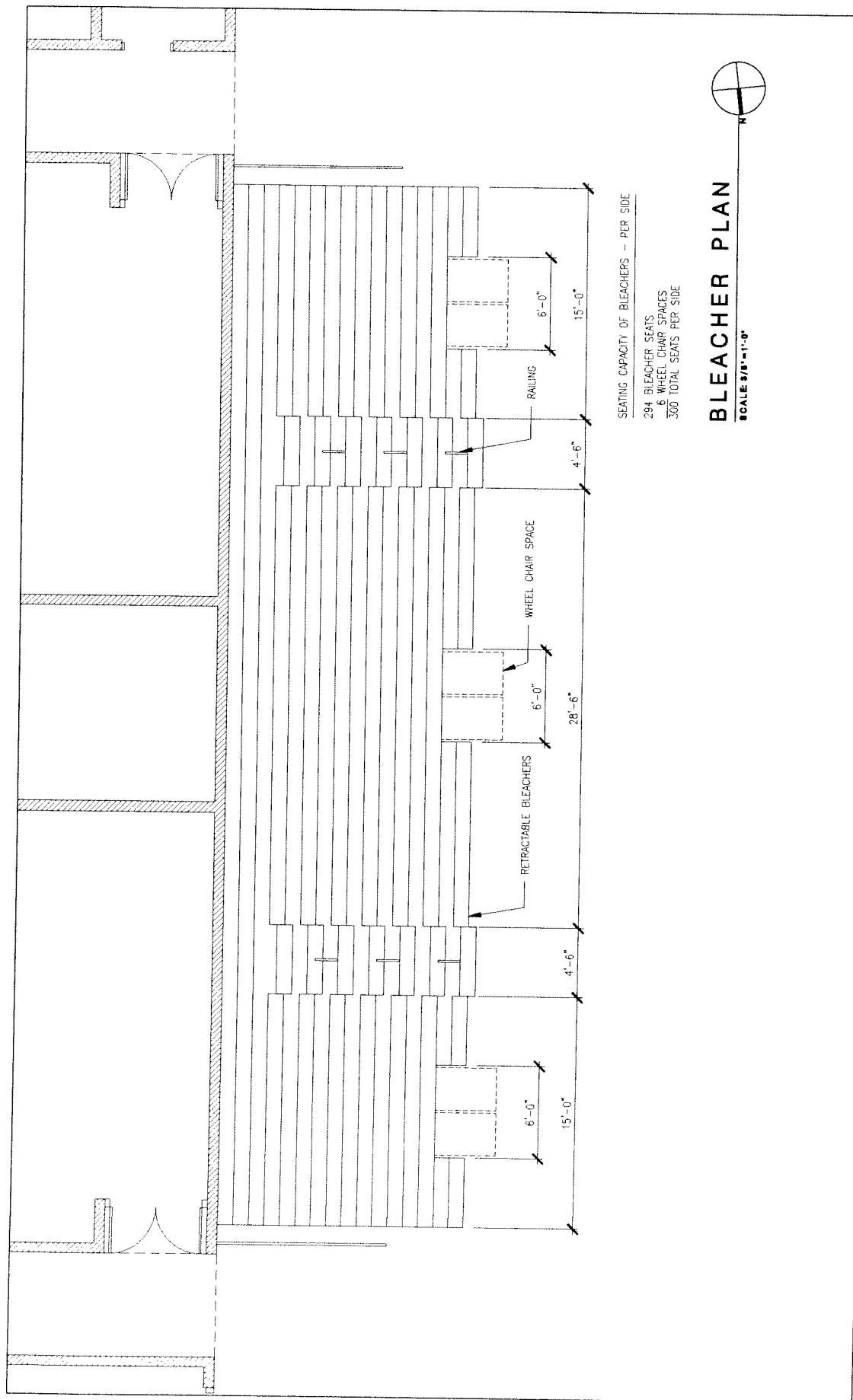
SHEET NO. **A6.1**

 BUILDING NO. **6**

PROJECT NO.	REVISED	DATE
029	3-25-08	FEB. 1, 2007

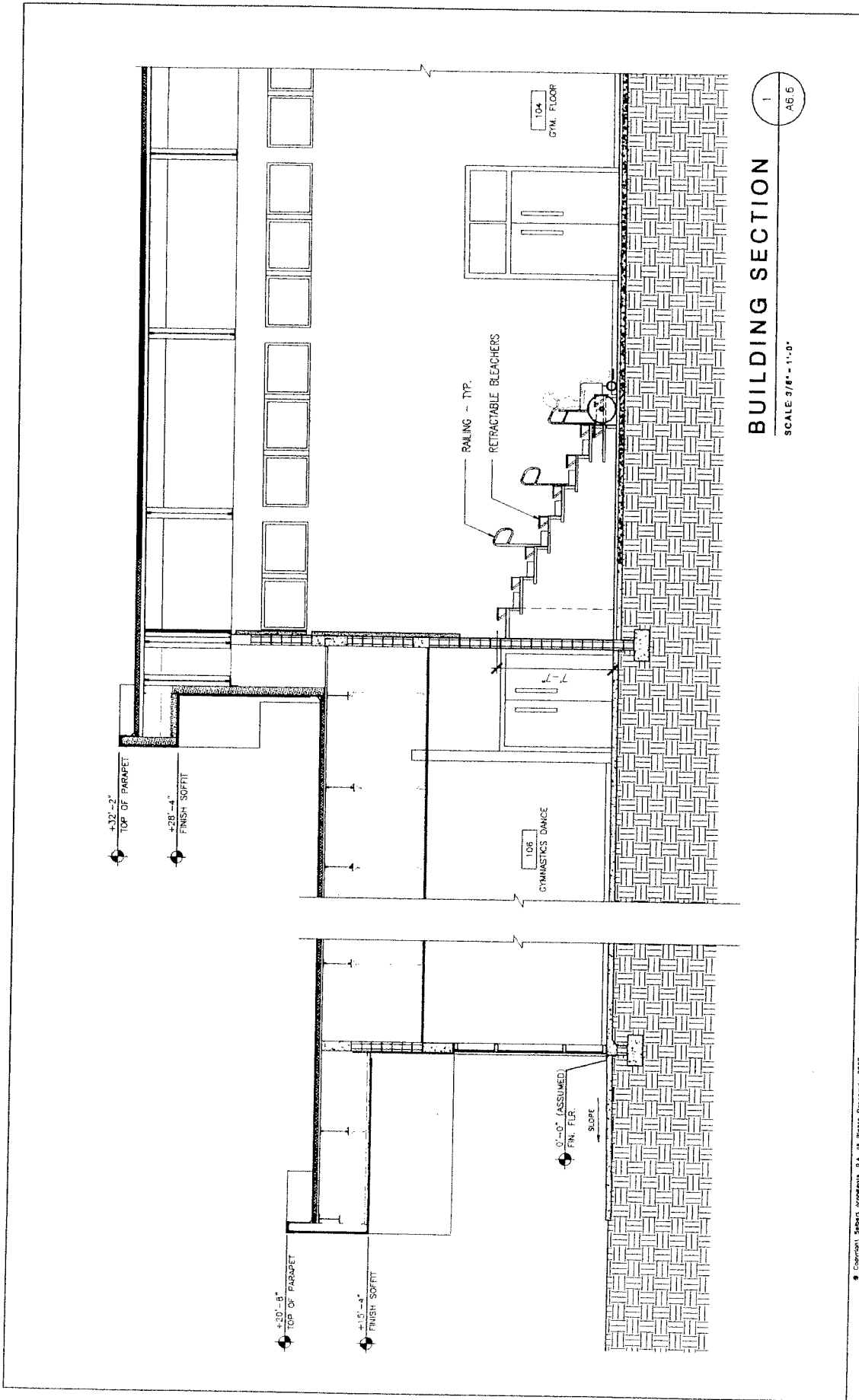
MIDDLE SCHOOL 'EE'

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SeibertArchitects PA



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A6.5

BUILDING SECTION
SCALE 3/8" = 1'-0"

PROJECT NO. 009		REVISIONS 9-25-08	DATE FEB. 1, 2007	BUILDING NO. 6	SHEET NO. A6.6
MIDDLE SCHOOL 'EE'					
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