

**FLORIDA BUILDING COMMISSION  
ACCESSIBILITY ADVISORY COUNCIL**  
**WEB URL <https://global.gotomeeting.com/join/735124733>**  
**AUDIO: DIAL-IN NUMBER 1-877-568-4106**  
**CONFERENCE CODE: 735-124-733**  
**Thursday June 1, 2017**  
**2:00 P.M.**

**ACCESSIBILITY ADVISORY COUNCIL PRESENT:**

Carol Stachurski, M. Chairperson  
James Woolyhand

Paul Viksne

**ACCESSIBILITY ADVISORY COUNCIL NOT PRESENT:**

Joe Del Vecchio

Susan Whitmire

**STAFF PRESENT:**

Chip Sellers  
Nick DuVal  
Chris Howell  
Justin Vogel  
Robert Benbow

Mo Madani  
Thomas Campbell  
Jim Hammers  
Marlita Peters

**Welcome:**

**Time: 2:00 p.m.**

Ms. Peters welcomed everyone to the teleconference meeting of the Accessibility Advisory Council.

**Roll Call:**

Ms. Peters performed roll call for the Accessibility Advisory Council. A quorum was determined with 3 of 5 members present.

**Agenda Approval:**

Mr. Viksne entered a motion to accept the agenda as posted. Mr. Woolyhand seconded the motion. The motion passed unanimously with a vote of 3 to 0.

**Approval of the Minutes from April 3, 2017:**

Mr. Viksne entered a motion to accept the minutes from April 3, 2017 as posted. Ms. Stachurski seconded the motion. The motion passed with a vote of 3 to 0.

**Accessibility Waivers:**

**Madeira Villa Dune Walkover #232 - 2810 Ocean Shore Boulevard, Ormond Beach 32176 -**

Mr. Sellers presented the waiver for Madeira Villa Dune Walkover based on economic hardship.

Tim Mahan was present on the call and provided additional information on the waiver request.

Mr. Sellers advised that there are no Florida specific requirements in the Accessibility Code that can be waived for the project in question. He stated therefore, this request falls outside the jurisdictional scope of the Council/Commission and is recommended for denial.

Mr. Mahan stated he did not understand the finding.

Mr. Madani provided the reasoning behind the staff analysis. He did ask Mr. Mahan if this was a private walkover and for a single family dwelling.

Mr. Mahan stated this walkover is private for a set of condos and explained the damage that occurred during Hurricane Matthew and the number of dune walkovers in his county. He stated the county was requiring ADA compliance to rebuild the walkover. Mr. Mahan stated at this point it may be moot as subsequently Volusia County has authorized non-ADA compliant walkovers be rebuilt and

**Accessibility Waivers (cont.):**

the neighboring property within 500 feet has rebuilt the walkover and is not ADA compliant and a permit was issued. He stated he did not think that they now need the waiver, but he did not want a direct denial.

Mr. Vogel, Legal Counsel for the Commission advised Mr. Mahan that he could withdraw the application.

Mr. Mahan asked if he could receive his \$250 fee back.

Mr. Madani stated no, the fee could not be refunded as the staff had completed the requested waiver application.

Mr. Mahan expressed his concern over the process that was requested by the county. He further stated he was withdrawing his waiver request and would pursue the permit with the county.

**Change of Use #231 - 1311 West Avenue, Miami Beach 33139**

Mr. Benbow presented the waiver for 1200 Ocean Drive Change of Use based on economic hardship. He stated the staff recommendation was to grant based on economic hardship.

Nelson Perez, Architect, was present on the call and provided background information on the waiver request for the Council.

Ms. Stachurski entered a motion to grant the waiver based on economic hardship. Mr. Viksne seconded the motion. The motion passed unanimously with a vote of 3 to 0.

**1200 Ocean Drive Change of Use #210 1200 Ocean Drive Miami Beach 33139 (Previously Deferred)**

Mr. Sellers advised the Council that an e-mail request was received on 5/19/17 from the applicant requesting deferral until the August Council meeting.

The applicant was not present at the meeting.

Ms. Stachurski entered a motion to defer the waiver. Mr. Woolyhand seconded the motion. The motion passed unanimously with a vote of 3 to 0.

**Accessibility Waivers (cont.):**

**Vero Beach High School - Citrus Bowl Remodeling #184 - 1707 16th Street, Vero Beach 32960**

Mr. Sellers presented the waiver for Vero Beach High School – Citrus Bowl Remodeling #184 based on economic hardship. He provided the following options on the staff analysis.

**Option 1:**

Staff recommends denying the request for waiver on the grounds of substantial financial costs due to not meeting the 20% disproportional cost.

**Option 2:**

Staff recommends granting the waiver on the grounds it would be unnecessary and unreasonable to require vertical accessibility to the press box since it would be eligible for the federal exception.

Lance Courtemanche was present on the call for the applicant and present additional information on this project for the Council.

Mr. Viksne entered a motion to grant the waiver as it is unnecessary and unreasonable. Mr. Woolyhand seconded the motion. The motion passed unanimously with a vote of 3 to 0.

**Caribbean Shores Residential Detox and Treatment Facility #243 - 2625 and 2645 NE Indian River Drive, Jensen Beach 34957-5207**

Mr. Benbow presented the waiver for Caribbean Shores Residential Detox and Treatment Facility #243 based on economic hardship. He stated staff analysis recommends granting based on the economic hardship.

Alicen Wong was on the call and provided additional information for the project.

Ms. Stachurski entered a motion to grant the waiver based on economic hardship. Mr. Viksne seconded the motion. The motion passed unanimously with a vote of 3 to 0.

**Le Pain Quotidien #16 - 3425 Main Highway, Miami 33133**

Mr. Benbow presented the waiver for Le Pain Quotidien based on economic hardship. He advised staff recommendation is to grant on economic hardship.

Robert Fine, Esq. was on the call representing the applicant. He provided additional background on the project.

Mr. Woolyhand entered a motion to grant the waiver based on economic hardship. Mr. Viksne seconded the motion. The motion passed unanimously with a vote of 3 to 0.

**Accessibility Waivers (cont.):**

**Dr. Stern Lab/Warehouse Project #244 - 7350 NW 34th Street, Miami 33122**

Mr. Benbow presented the waiver for Dr. Stern Lab/Warehouse. He stated that the staff analysis is that per section 553.509(c) the applicant is not required to provide vertical accessibility to the second floor.

Larry Schneider was on the call representing the applicant and provided detail of the project. He further stated that Miami-Dade has continued to require a waiver for these project types when it is clear that one is not required.

Mr. Woolyhand entered a motion to grant the waiver to the extent necessary pursuant to 553.509(c). Mr. Viksne seconded the motion. The motion passed unanimously with a vote of 3 to 0.

**Public Comment:**

Mr. Schneider stated he was sure that the Council was aware that HB 727 had passed regarding building owners to do surveys of their properties as it relates to accessibility. He asked the Council if they had any comment or thoughts on the subject.

Mr. Campbell advised Mr. Schneider that this item was not on the agenda for discussion today and that the bill has not been signed and is not law yet and would not be effective until July 1 when signed. He said this will be discussed at the Commission Meeting in June and at that time he would advise the Commission of what the implementation of this bill would look like.

**Final Roll Call:**

Ms. Peters conducted final roll call and all three members were remaining on the call.

**Adjournment:**

There being no further business before the Council, the meeting was adjourned at 2:48 p.m.