

## **HERRLE COMMUNICATIONS GROUP**

**Issue:** Vertical accessibility to the third floor.

**Analysis:** The applicant is requesting a waiver from providing vertical accessibility to the third floor of an office building that presently is accessible to the ground and second floor levels. The total project cost is \$65,000 including installation of an accessible toilet room and upgrading carpet and finishes. Estimates of \$111,620 and \$124,150 were submitted as the cost to provide an elevator in the facility. No plans for the second and third floors were submitted.

### **Project Progress:**

The project is in plan review.

### **Items to be Waived:**

Vertical accessibility to the third 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:** Mexico Beach Partnership, LLC (MBP) /Herrle Communications Group MBP is owner of property, Herrle Communications Group leases the entire building

**Address:** 117 S. Gadsden Street, Tallahassee, FL 32301

**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:** Same

**Applicant's Address:** Same

**Applicant's Telephone:** 850-681-3200      **FAX:** 850-681-7200

**Applicant's E-mail Address:** april@herrle.com

**Relationship to Owner:** MBP is owned by William C. Herrle and April S. Herrle; April Herrle is the sole owner of Herrle Communications Group

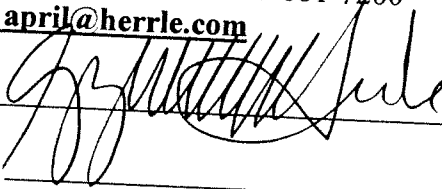
**Owner's Name:** Mexico Beach Partnership, LLC owned by William C. and April S. Herrle

**Owner's Address:** 117 S. Gadsden Street, Tallahassee, FL 32301

**Owner's Telephone:** 850-681-3200      **FAX:** 850-681-7200

**Owner's E-mail Address:** april@herrle.com

**Signature of Owner:** \_\_\_\_\_



**Contact Person:** April S. Herrle

**Contact Person's Telephone:** 850-681-3200      **E-mail Address:** april@herrle.com

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.)  
8303 square foot building with 3 floors. Building is used as an owner occupied office building originally constructed in 1978.

5. **Project Construction Cost (Provide cost for new construction, the addition or the alteration):** \_\_\_\_\_ Total project cost \$65,000 including addition of handicapped bathroom, carpeting, painting, etc.

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.

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

**Issue**

1: Vertical Accessibility -- City of Tallahassee Building Department has requested provision for vertical accessibility on all three floors. Building currently has full accessibility on two of the three floors (ground floor and 2nd floor) including meeting room, office space, etc.

**Issue**

2: \_\_\_\_\_

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**Issue**

3:

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**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.

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

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

**Applicant is a minority business owner and only intended and has financial capacity to make minor renovations (adjoining two offices to form a conference room, moving one wall to make an office larger, building out three small offices that were previously cubicles.) A large percentage of the budget (approximately 25 percent was allocated to handicapped accessibility improvements, such as making bathroom handicapped accessible, adding hi-low fountain, etc.). The projected cost to achieve vertical accessibility would nearly TRIPLE the cost of construction (bringing it from \$65,000 to nearly \$190,000. This is more than 20 percent of the applicant's annual revenues and would not be financially feasible.**

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.

**We have carefully reviewed options to enable full accessibility with contractors and with our architect, but only an elevator would work. Due to foundation requirements, we would need to construct the elevator from the ground floor to the 3<sup>rd</sup> level and would have to relocate electrical circuit panels on each floor and make major structural modifications.**

**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.

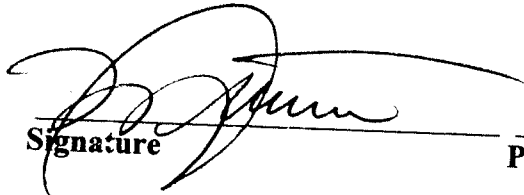
a. See attached construction estimates (A: Gorilla Builders and B: Davis Construction)

b.

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.

It is cost prohibitive to provide an elevator at this location. I recommend this waiver be granted due to the financial hardship that would be incurred if waiver is not granted.



Signature

Frank N. Griesbach  
Printed Name

Phone number 850.561.8311

(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 20<sup>th</sup> day of January, 2006

Signature

April S. Herrle, President, Herrle Communications Group

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.

- a. According to the June 6, 2000 memorandum from Kathy Butler, Assistant General Counsel DCA, the federal disproportionate cost exception may not be applied to the Florida vertical accessibility requirement. Therefore, the renovation of the middle floor is considered an alteration to an area containing a primary function. Vertical accessibility is required to other floors based on Ms. Butler's memorandum.

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 (re-roofing) \$16,500

**Comments/Recommendation**

Except for attesting to the accuracy of the cost estimates as presented, to the best of my knowledge, all information stipulated herein is true and accurate.

Jurisdiction City of Tallahassee

Building Official or Designee

*[Signature]*

Signature

*Robert Tridick*

Printed Name

*BU/230*

Certification Number

*850-894-7671 - 7099*

Telephone/Fax

Address

*City Hall  
Box B28  
Tallahassee, FL 32301*



# GORILLA BUILDERS

January 24, 2006

Ms. April Herrle  
Herrle Communications  
117 S. Gadsden St.  
Tallahassee FL 32301

Dear Ms. Herrle:

Thank you for considering Gorilla Builders for your renovations of your building for vertical access. Using the specifications we discussed and drawn by Mark Griesbach AIA, we have outlined estimated costs for this project as follows:

Plans, permitting, demolition, general start up costs .....	\$8,600
Engineering and structural work .....	30,300
Miscellaneous carpentry, sheetrock, painting, etc. ....	10,350
Elevator, with installation .....	34,850
Electrical and relocation of air handlers .....	12,960
Contractor's fee .....	14,560
<b>Total .....</b>	<b>\$111,620</b>

These numbers may need some adjustment as we get to the final plan, but I don't believe they will change much.

Again, thank you for considering Gorilla Builders. Please let me know if you have any questions or need additional information.

Regards,

GORILLA BUILDERS, INC.

Burt Davy, President  
CBC1250541





"B"

January 25, 2006

**Davis Construction, Inc.**  
*A Builder in the Classical Tradition*

TO: April Herrle  
Herrle Communications  
2000 Apalachee Parkway

RE: Proposed Elevator for:  
Herrle Communications  
117 South Gadsden Street  
Tallahassee, FL 32301

Dear April,

Attached find the estimated cost of the new elevator in your building.

Engineering/Architecture	\$10,000.
Permitting/Contractor Fee	\$ 17,500.
Demolition/Haul off	\$13,300.
Structural work	\$20,000.
Carpentry, Sheetrock-paint	\$14,000.
Elevator-installed	\$34,850.
Electrical	\$ 6,500.
HVAC	\$ 8,000.
<b>TOTAL</b>	<b>\$124,150.</b>

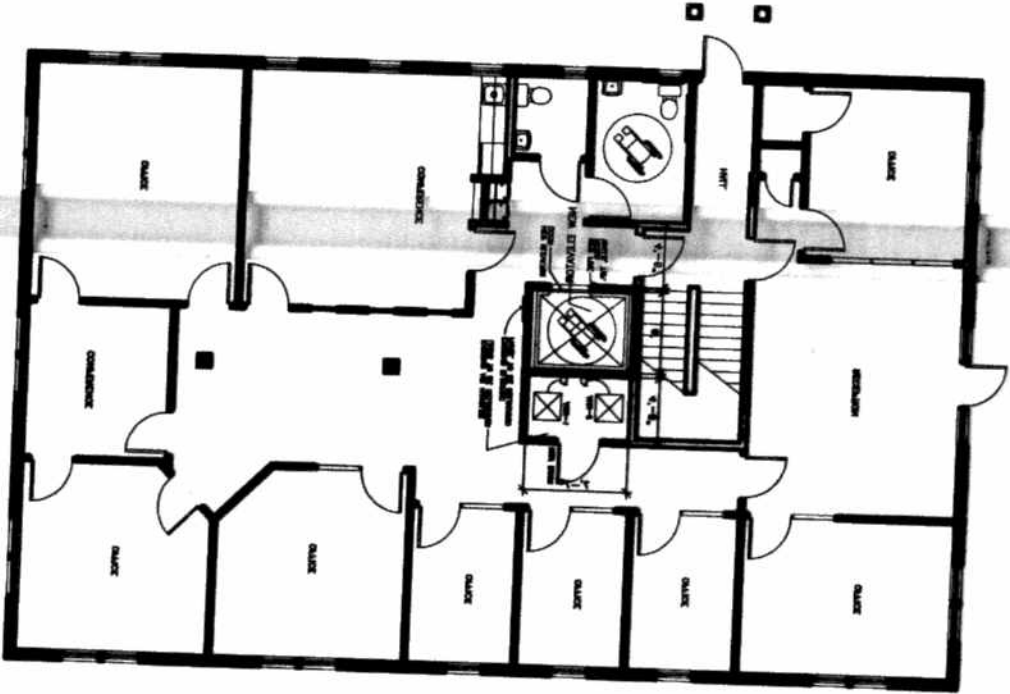
Thank you for the opportunity to provide a cost estimate.

Sincerely,

Bill Davis



SCALE: 1/4" = 1'-0"  
**FLOOR PLAN**  
 SCHEMATIC DESIGN DOCUMENT



NO WORK SHALL BE PERFORMED UNTIL THE PERMITS HAVE BEEN OBTAINED FROM THE CITY OF TAMPA. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR THE COST THEREOF. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING STRUCTURES AND UTILITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING STRUCTURES AND UTILITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING STRUCTURES AND UTILITIES.

**ELECTRICAL SCOPE OF WORK NOTES:**

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**DEMOLITION NOTES:**

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**A1**

117 South Gadsden Street  
 Tallahassee, Florida  
 32309  
 Copyright © 2008  
 Hentle Communications  
 Architects

Copyright 2008  
 Tallahassee, Florida  
 117 South Gadsden Street  
 Hentle Communications  
 Prepared Elevator for:

Revised -  
 Drawn: MNG  
 Date: 1/20/2008  
 Project: 2512-A

