

OSEROFF

Issue: Vertical accessibility to second floor offices.

Analysis: The applicant is requesting a waiver from providing vertical accessibility to the second floor of an office building containing five offices, a hearing test room, reception area, storage, employee break room and waiting area. The building is undergoing a \$20,000 alteration including the addition of a ramp to the main entrance, and an accessible toilet room on the second floor. The existing first floor is not being modified and was constructed with an accessible toilet. The applicant stated vertical accessibility to the second floor cannot be provided for \$4,000 and documentation will be supplied.

Project Progress:

The project is in plan review.

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.

This application is available in alternate formats upon request.

**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: Oseroff

Address: 916 North Gadsden Street

Tallahassee, Florida 32308

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: Ed Dion

Applicant's Address: 1105 Lothian Drive, Tallahassee Florida 32312

Applicant's Telephone: 850-386-5664 FAX: 850-412-0266

Applicant's E-mail Address: eddion@eddion.com

Relationship to Owner: Contractor CBC045240

Owner's Name: Carol Oseroff

Owner's Address: 3051 Cloudland Drive Tallahassee, Florida 32312

Owner's Telephone: 850-878-1441 FAX: _____

Owner's E-mail Address: _____

Signature of Owner: 

Contact Person: Ed Dion

Contact Person's Telephone: 850-528-4467 E-mail Address: _____

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.)

2500 Sq.ft. 2 floor office. Current 1st floor (rear of building) is ADA Accessible and has an ADA accessible bath. Existing 2nd Floor entrance (main entrance facing street) is not ADA Accessible and does not have an ADA accessible bath.

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

\$20,000

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.

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

Issue

1: Verticle Accessibility requirments

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.

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

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

See attached letter Dated May 20, 2005

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.

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.

20% of the proposed project cost is \$4,000. Altering the existing structural frame work to accommodate an ADA compliant lift or elevator will exceed this amount. Therefore the cost of a lift or elevator purchase and installation has not been calculated.

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.

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 18th day of May, 2005

Ed Drow
Signature

Ed Drow
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.

**Dion Builders
1105 Lothian Drive
Tallahassee, Florida 32312
(850) 386-5664**

May 26, 2005

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

RE: Vertical Access Waiver for 916 North Gadsden, Tallahassee, Florida

90% of the cost of this project is currently being used to improve the safety and accessibility of the existing structure. The main floor (noted on the plans as the second floor) does not currently have an accessible bath and the main entrance is not an ADA compliant entrance. This project would rectify these accessibility problems.

Other work such as relocating the existing electrical panel, which is currently located behind a refrigerator, and relocating the existing electrical meter, now located adjacent to the gas meter, are efforts by the owner to improve the safety of the structure and begin to bring the structure up to the current building code.

The owners purchased the property in December of 2004. They have contracted with Dion Builders to make these electrical and structural alterations on a shoestring budget of \$20,000 dollars. Changing the framework of the structure to accommodate a lift or elevator will exceed 20% (\$4,000) of the cost of the project. Completely installing a lift or elevator that meets ADA requirements will meet if not exceed the cost of the proposed alterations. More importantly denying this waiver may break my clients budget and prevent any of the aforementioned ADA and safety improvements from being completed.

Please call with any thoughts, comments or questions. I can be reached at 386-5664 or cell 528-6037.

Respectfully Submitted,



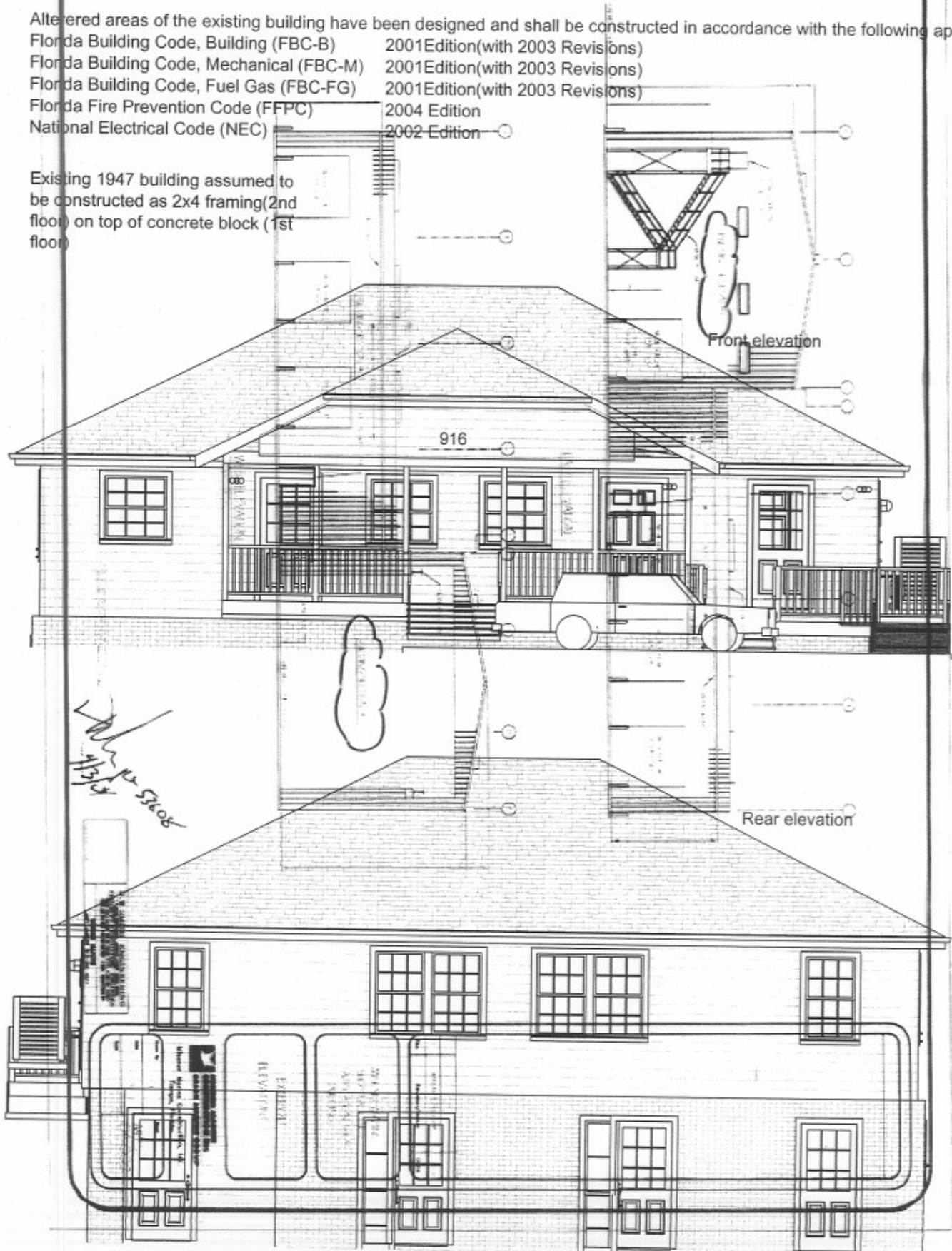
Ed Dion
CBC045240

SINCE 1981

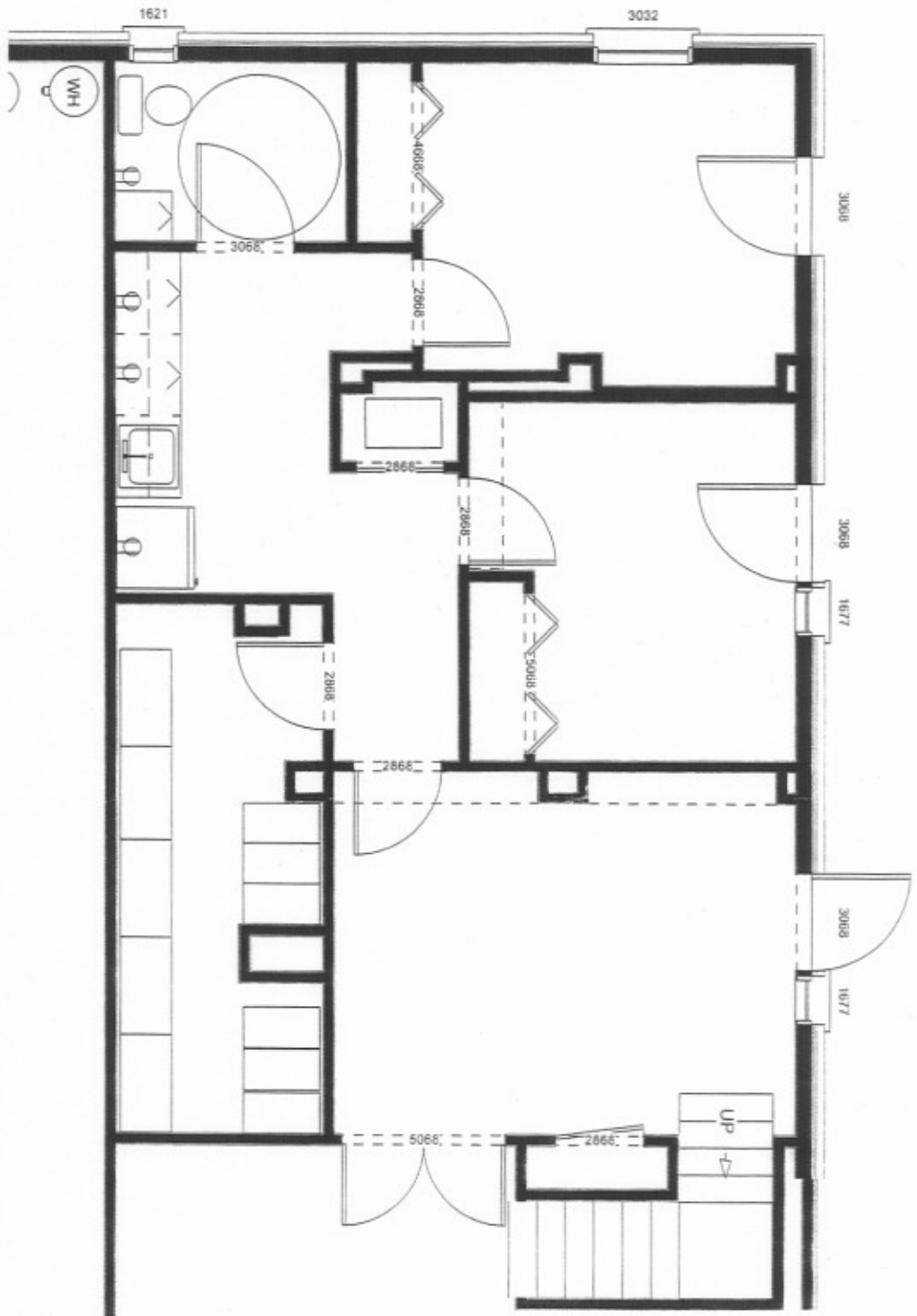
Altered areas of the existing building have been designed and shall be constructed in accordance with the following applicable building codes:

Florida Building Code, Building (FBC-B)	2001 Edition (with 2003 Revisions)
Florida Building Code, Mechanical (FBC-M)	2001 Edition (with 2003 Revisions)
Florida Building Code, Fuel Gas (FBC-FG)	2001 Edition (with 2003 Revisions)
Florida Fire Prevention Code (FFPC)	2004 Edition
National Electrical Code (NEC)	2002 Edition

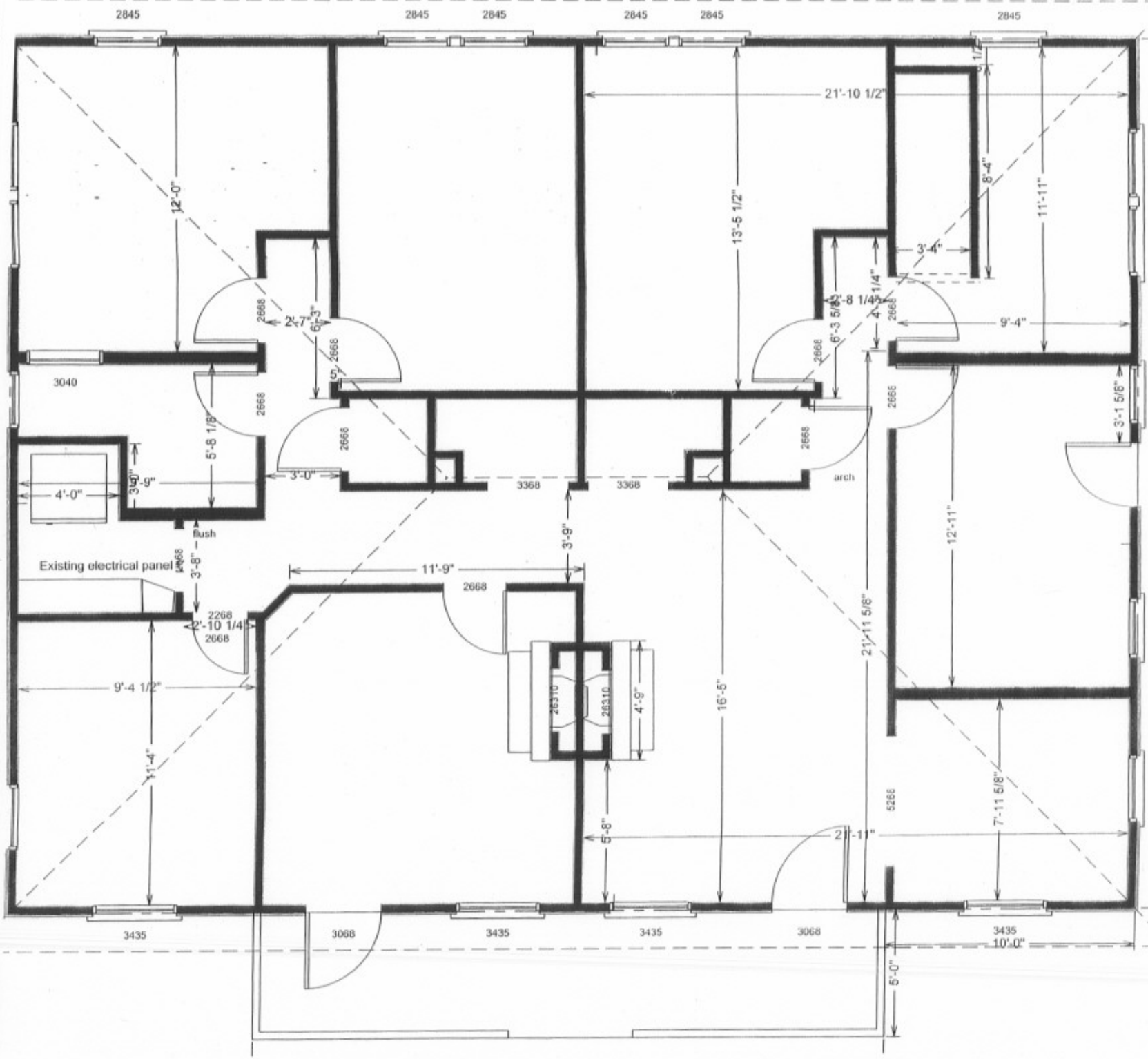
Existing 1947 building assumed to be constructed as 2x4 framing (2nd floor) on top of concrete block (1st floor)



NO PROPOSED CHANGES



EXISTING FIRST FLOOR



EXISTING SECOND FLOOR

