

FLAGLER COUNTY FAIRGROUNDS ARENA TICKET BUILDING

Issue: Vertical accessibility to the second and third levels of a multi-use building.

Analysis: The applicant is requesting a waiver from providing vertical accessibility to the second and third levels of a structure that houses and office and ticket booth on the first floor, storage on the second and an announcers booth on the third. Each floor will have approximately 240 square feet and the applicant stated that the third level will always have fewer than five persons and is not open to the public. The building will be located behind new aluminum bleachers to service rodeo and equestrian events. The project will cost \$85,000, and the application indicates it would cost an additional \$46,000 to install an elevator.

Project Progress:

The project is under design.

Items to be Waived:

Vertical accessibility to the second and third levels, 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: Flagler County Fairgrounds Arena Ticket Building

Address: Flagler County Fairgrounds
S.R. 13
Bunnell, FL

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: Dana M. Smith, Architect

Applicant's Address: DJdesign Inc.
913 N. Nova Road
Holly Hill, FL 32117

Applicant's Telephone: 386.255.6987 **FAX:** 386.255.6989

Applicant's E-mail Address: dsmith@djdesigninc.com

Relationship to Owner: Consultant

Owner's Name: Jim Jarrell, Interim County Administrator
Flagler County Board of County Commissioners

Owner's Address: Flagler County Board of County Commissioners
1769 E. Moody Blvd.
Bunnell, FL 32110

Owner's Telephone: 386.313.4001 **FAX:** 386.313.4101

Owner's E-mail Address: jjarrell@flaglercounty.org

Signature of Owner:  8/30/07

Contact Person: Faith Alkhatib, PE, County Engineer

Contact Person's Telephone: 386.313.4045 **E-mail Address:** falkhatib@flaglercounty.org

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 building is a three-level, (240 GSF/level) structure which houses a ticket booth and office on the ground floor, a storage/equipment room on the second and a pre-fabricated announcers-booth on the third. It is designed to be built behind new aluminum bleachers to service rodeo and equestrian events.

5. Project Construction Cost (Provide cost for new construction, the addition or the alteration): Estimated cost of this structure is approximately \$85,000.

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.

It is the opinion of the local building official that the requirement to provide vertical accessibility to the announcers booth should be waived.

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

Issue

1: 11-4.1.3 Accessible buildings: new construction, (5)...vertical accessibility shall be provided to all levels.

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.

Under Section 11-4.1.3(5): Exception (2) seems to apply for the Storage/Equipment Room on the second level above grade and Exception (3) seems to apply for the announcers-booth level on the third level above grade. Specifically the announcers-booth space is not open to the public and is limited to announcer(s) and judges/officials and can be limited to five or fewer persons. Its function is very similar to equipment control rooms or projection booths in that, only specialized persons need have access. In reviewing many similar spectator facilities in our area we find no vertical accessibility to announcers' booths at typical, small public stadiums.

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

Stair-mounted chair lifts are not practical, but if the Owner were to choose to provide a small elevator, it would cost more than half of the estimated cost of the structure as designed. It is the opinion of the Owner that, due to the infrequency of the facility's use, such expenditures would not be an appropriate use of limited public funds.

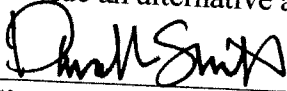
The owner has made a **diligent investigation** into the costs of compliance with the code, but cannot find an efficient mode of compliance. Provide detailed cost estimates and, where appropriate, photographs. Cost estimates must include bids and quotes.

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.

a. According to Donna O'Connor of **Daytona Elevator**, 440 Spring Forest Drive, New Smyrna Beach, FL, the listed installed price for a 3'-0" X 5'-0", 750 lb. capacity, accessible elevator is \$40,000. The cost of a CMU shaft enclosure is estimated to be \$6,000 for a total cost of \$46,000.

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.

The announcers-booth, in its current position provides the best vantage point for professional announcer(s) and sanctioning judges/officials to view activities in the rodeo arena without interference from spectators, (see building section). The limited amount of counter/work-space with visual access to the arena provides less than four feet (3'-10") for each of five possible occupants. Furthermore, there is ample space on the lowest seating level, (which is accessible) to provide an alternative announcer/judge/official area should it be needed.



Signature

Dana M. Smith, Architect

Printed Name

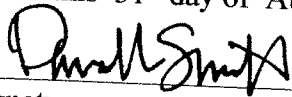
Phone number 386.255.6987

(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 31st day of August, 2007



Signature

Dana M. Smith, Architect
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. FLORIDA STATUTE 553.589(1); FBC 11-4.1.3
- b. _____
- c. _____

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 SEE ATTACHED MEMORANDUM

Jurisdiction FLAGLER COUNTY

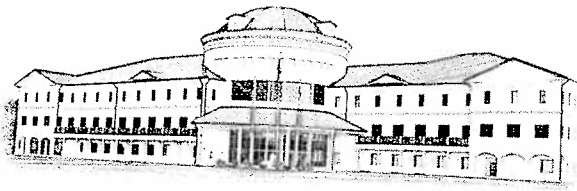
Building Official or Designee 
Signature _____

GARY L. HIATT
Printed Name _____

BU 1055
Certification Number _____

(386) 313-4022 / (386) 313-4102
Telephone/FAX _____

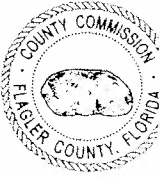
Address: 1769 E. MOODY BLVD. SUITE 106
BUNNELL, FL. 32110



Flagler County

Board of County Commissioners

Building Department



1769 East Moody Boulevard, Suite 106 • Bunnell, Florida 32110 • (386) 313-4002 • fax: (386) 313-4102 • www.FlaglerCounty.org

Memorandum

To: Whom It May Concern

From: Gary Hiatt, Chief Building Official
Flagler County

Date: August 25, 2007

Re: Accessibility Waiver

The issue of accessibility is being requested to go through the waiver process for the following reasons:

Florida Statute 553.509(1) requires 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 occupiable grade level, regardless of whether the guidelines require an elevator to be installed in such building, structure or facility, except for:

(c) 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.

The area in question is the press box portion of the project. The plans are in the design phase and in order to complete the design the issue of accessibility to that specific area needs in my opinion to receive a waiver for the accessibility requirements. The size of the press box is conducive to being limited to 5 or fewer persons but the issue is the open to the public portion of the statute. Limiting access to the public during county controlled events does not appear to be problematic. Events such as the Cattleman's Association, Car Shows, etc. not directly under the control of the county would have to be treated in the same manner by limiting public access to the press box area. It has been stated that access and control will be the responsibility and handled by the Ag Extension Office under county control. An area could conceivably be established for judges and event staff in an accessible area on an accessible route which would in turn assist in limiting public access to the press box area.

Recommendation:

Because the county has an appointed department and individuals to control and limit access for nonpublic use and areas could be provided on an accessible route for use by handicapped personnel it is my recommendation that the waiver for the Florida specific requirement for accessibility to all levels be granted based upon the ability to limit access and to provide an alternate area for public use.

James M. O'Connell
District 1

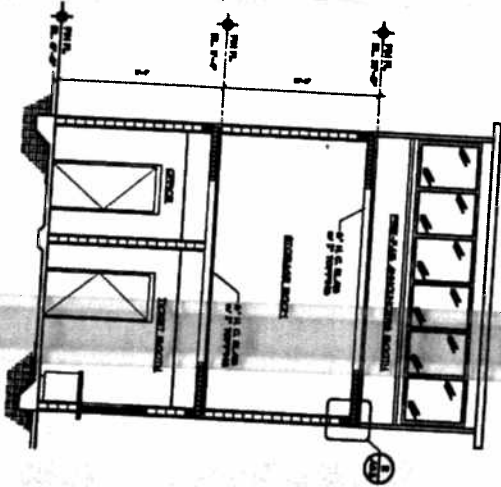
Milissa Holland
District 2

James A. Darby
District 3

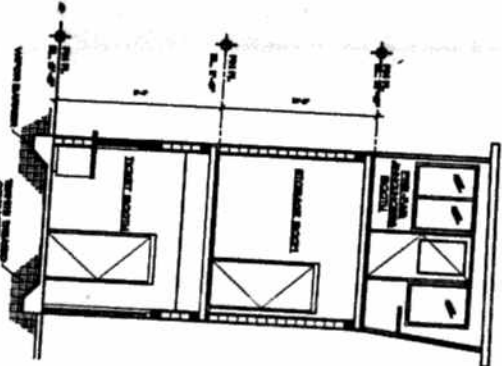
Bob Abbott
District 4

George Hanns
District 5

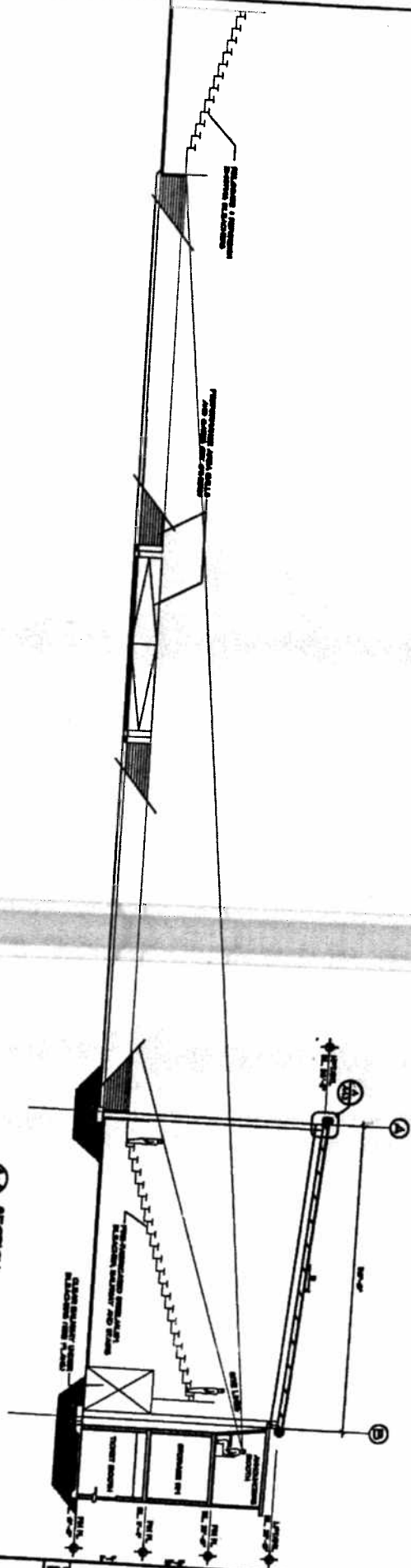
SECTION A-1



SECTION A-2



SECTION A-3



FLAGLER COUNTY FAIRGROUNDS ARENA

S. R. RD. 13
BUNNELL FL

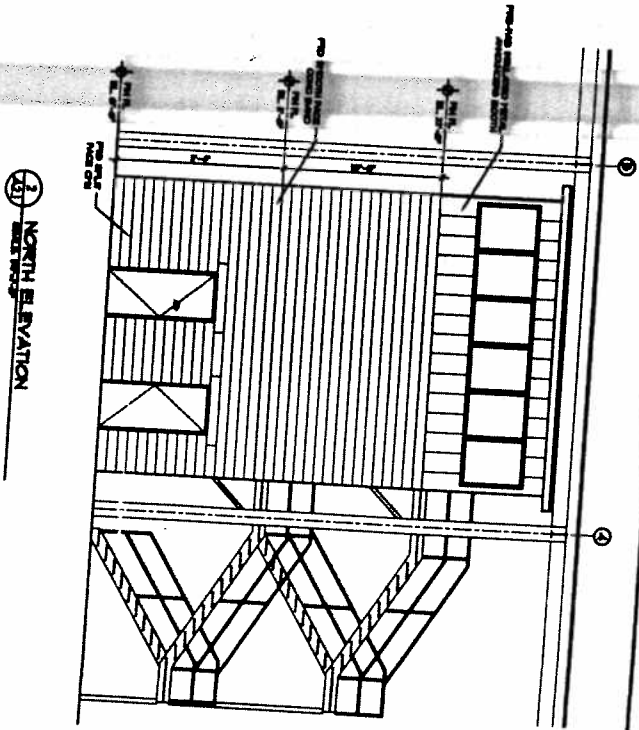
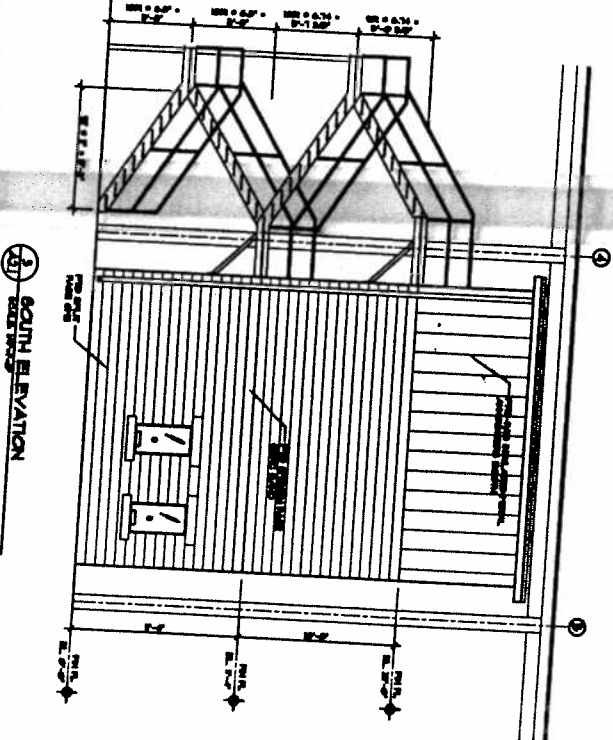
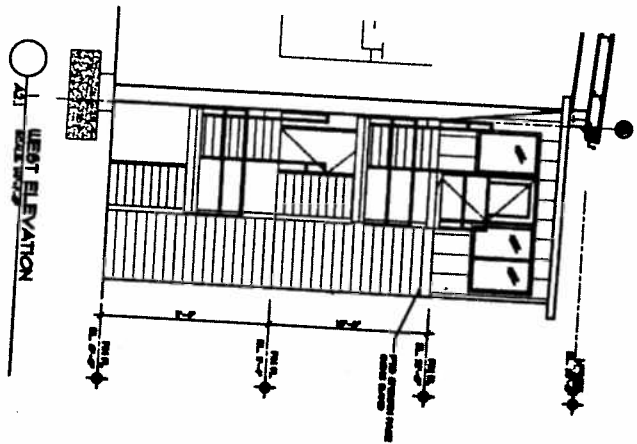
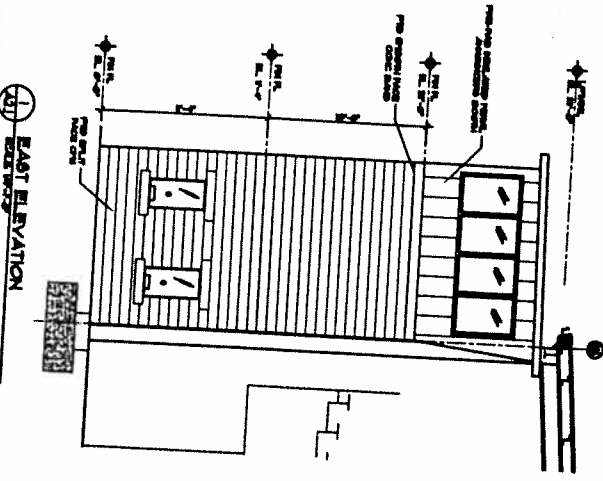
A-4

DATE	
BY	
CHECKED BY	
APPROVED BY	
SCALE	
PROJECT NO.	
CLIENT	
ARCHITECT	

NO.	REVISION	DATE

DESIGNED BY
DRAWN BY
CHECKED BY
APPROVED BY
DATE





**FLAGLER COUNTY
FAIRGROUNDS ARENA**

S.R. RD. 13
BUNNELL FL

A-3

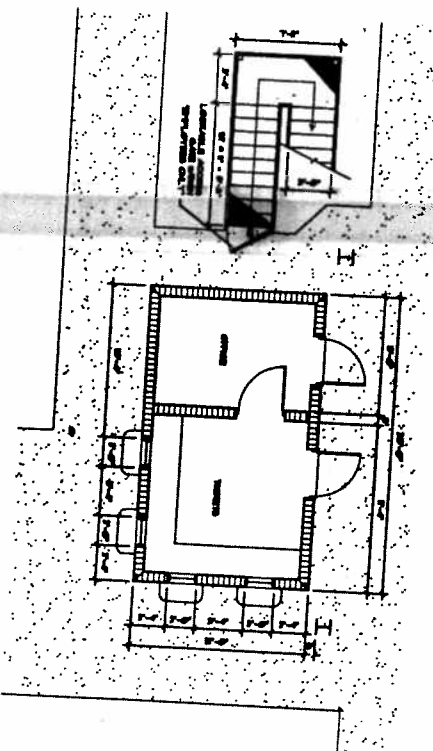
DATE	BY	REVISION

NO.	REVISIONS	DATE

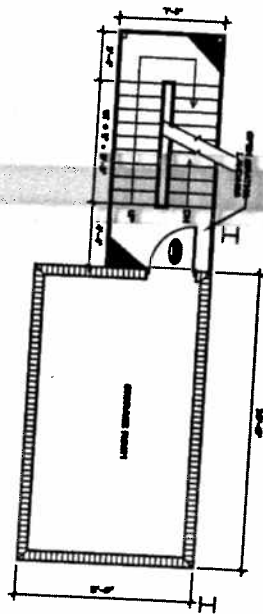
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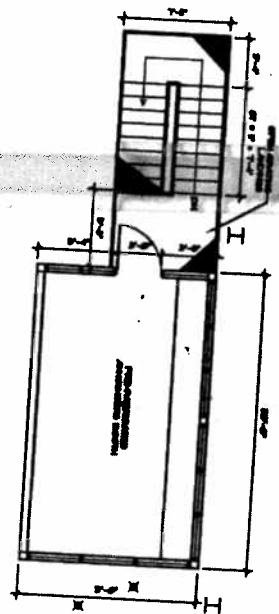
TICKET BOOTH - 1st FLOOR PLAN



TICKET BOOTH - 2nd FLOOR PLAN



TICKET BOOTH - 3rd FLOOR PLAN



**FLAGLER COUNTY
FAIRGROUNDS ARENA**

S.R. RD. 13
BUNNELL FL

REV#	REVISIONS	DATE

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