

## **DICK BROWN PARK – DAVE MANZO FIELD**

**Issue:** Vertical accessibility to all rows of seats in two bleacher systems at a baseball field.

**Analysis:** The applicant is requesting a waiver from providing vertical accessibility to all rows of seats in two aluminum bleachers costing \$101,251. Accessible seating is planned for the first row of each bleacher. No estimates were provided; however, the applicant stated it would increase the cost of the project tenfold to make each row accessible.

### **Project Progress:**

The project is under design.

### **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.

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: Dick Brown Park - Dave Manzo Field

Address: 900 22nd Avenue North  
Lake Worth, Florida 33460

**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: C. Phil Vanderhider

Applicant's Address: 2347 Circuit Way, Brooksville, FL

Applicant's Telephone: 727-539-1017 FAX: 352-799-0308

Applicant's E-mail Address: Sales@SeatingUSA.com

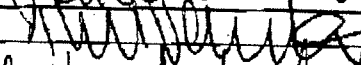
Relationship to Owner: self

Owner's Name: C. Phil Vanderhider

Owner's Address: 2347 Circuit Way, Brooksville, FL

Owner's Telephone: 727-539-1017 FAX: 352-799-0308

Owner's E-mail Address: Sales@SeatingUSA.com

Signature of Owner: 

Contact Person: Phil Vanderhider

Contact Person's Telephone: 727-539-1017 E-mail Address: Sales@SeatingUSA.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.)

10 row x 27' long non-elevated aluminum angle frame bleacher & 17 row x 57' elevated aluminum angle frame bleacher. Baseball field bleachers.

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

\$101,251.25

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.

In speaking with Tom Hogarth, Building Department Director of School District of Palm Beach County, we were informed that the proposed design could not be approved without a waiver.

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

Issue

1: Florida Building Code, Section 553.509,  
vertical accessibility

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.

see attached

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

see attached

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.

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SeatingUSA.com

352799308

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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.

The cost to provide access to every level of the bleacher would exceed the cost of the project approximately tenfold. It would require ramp or lift access to every level of seating, wheelchair cutouts for every row, 9.5" spacing between each row

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.

See P.1 thru P.9 preceding. - Compliance would require completely different approach to design and construction at prohibitively

higher costs. Reasonable access is provided under current design.

Signature

Harold R. Clifton

Printed Name

HAROLD R. CLIFTON, P.E. #6283

Phone number

727-392-0509

(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 8 day of May, 20 09

Signature

C. Phil Vanderhuder

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.



Bleachers • Benches • Scoreboards • Shade Structures • Dugouts • Scorer Platforms • Press Boxes • Ramps • Stairs • Soccer Goals

May 8, 2009

Project: Dick Brown Park – Dave Manzo Field  
900 22<sup>nd</sup> Avenue North  
Lake Worth, Florida 33460

Reason for Request for Waiver:

The nature of stadium and bleacher design is not able to accommodate wheelchairs on all levels without resulting in a highly inefficient design and making the cost of the project unattainable for the Palm Beach County School district. Granting such access to all levels of seating would require ramp or lift access to each level, wheelchair cutouts on every row, and 5' spacing between each row. Our current design accommodates handicap accessibility at the first level of seating, as per Florida Building Code 2007, with 2009 amendments.

Sincerely,

A handwritten signature in black ink, appearing to read "Phil Vanderhider".

C. Phil Vanderhider  
President and General Manager  
Seating Constructors USA, Inc.



Bleachers • Benches • Scoreboards • Shade Structures • Dugouts • Scorer Platforms • Press Boxes • Ramps • Stairs • Soccer Goals

Department of Community Affairs  
 Accessibility Advisory Council  
 Attention: Mary Kathryn Smith  
 2555 Shumard Oak Boulevard  
 Tallahassee, Florida 32399-2100

Dear Ms. Smith:

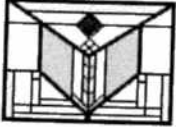
RE: Waiver request application

Following please find our waiver request application which is very similar to what was submitted to you for the last advisory council meeting. We will send you the sealed drawings by mail.

Cordially,

  
 C. PM Vanderhider





Mary-Kathryn  
Smith/DCA/FLEOC  
05/27/2009 09:26 AM

To sales@seating USA.com

cc

bcc

Subject Dick Brown Field Bleachers

I haven't received plans for this project and while it's conceptually very similar to bleacher systems, the Accessibility Advisory Council and Building Commission have reviewed in the past, it is in your best interest to have this information available prior to the meeting. The most expeditious way to proceed would be to e-mail this to me so it can be included in the waiver package on our website. Thank you and if you have questions, please contact me. MK

The Department of Community Affairs is committed to maintaining the highest levels of service and values your feedback. Please take a few moments to complete our Customer Service Survey by visiting <http://www.dca.state.fl.us/CustomerServiceSurvey/>. Thank you in advance for letting us know what you think.

The Florida Discount Drug Card is designed to lower the cost of prescriptions for certain Florida residents. To learn more, visit <http://www.FloridaDiscountDrugCard.com> or call toll-free 1-866-341-8894 or TTY 1-866-763-9630.

Florida has a broad public records law and all correspondence, including email addresses, may be subject to disclosure.