

**FLORIDA BUILDING COMMISSION  
ACCESSIBILITY ADVISORY COUNCIL  
October 28, 2002  
Eden Roc Hotel, Miami Beach, Florida**

Vice-Chairman Neil Melick called the meeting of the Council to order at 9:05 at the Eden Roc Hotel in Miami Beach, Florida. Members present were: Neil Melick, J. R. Harding, Johnny Long and Andrea Williamson. Staff present were Mary Kathryn Smith, Al Bragg and Tim Dennis.

**Election of Officers:** Vice-Chairman Melick opened the floor for nominations for Council Chairman for the upcoming year. Dr. Harding moved to nominate Mr. Melick and was seconded by Mr. Long. There being no further nominations, the vote of the Council was unanimous in favor of the motion. Chairman Melick asked for nominations for Vice-Chairman and Mr. Long moved to nominate J. R. Harding. There were no further nominations and the vote of the Council was unanimous in favor thereof. Mr. Long asked if there were any procedures established to allow the Council to vote via proxy. Mr. Bragg stated that he would research the legal ramifications and report his findings to the Council.

**Review of Minutes of the September 23, 2002 Meeting:** Chairman Melick asked if there were any corrections or additions to the minutes. Dr. Harding moved to approve the minutes as written, and following a second by Ms. Williamson, the vote of the Council was unanimous in favor of the motion.

**Review of Applications for Waivers from Accessibility Requirements:**

**Cost of Wisconsin, International Drive, Orlando, Florida:** Chairman Melick recognized Mr. David Petersen who represented the applicant which requested a waiver from providing vertical accessibility to all 36 holes at a miniature golf course. The application stated that the course would be designed and constructed to comply with the proposed ADAAG guidelines for recreational facilities which require that 50 percent of all holes must be accessible. The project will cost approximately \$1,000,000, and no individual estimates were provided. The project is in the conceptual stage and accessible features will be incorporated into the overall design as determined to be necessary. Since it is an exterior facility, it is not anticipated that mechanical lifts would be used to provide vertical accessibility, rather ramps would be used as an integral element to make the required holes accessible. Discussion followed regarding the need to make the volcano feature of the course accessible. Chairman Melick commented that in his opinion the volcano was more of a visual element than a play feature. Dr. Harding moved to recommend granting the waiver since the hardship is based on structural limitations and the site environment. Mr. Long seconded the motion and the vote of the Council was unanimous in favor of it.

**StarChild Academy, 1550 North Wekiwa Springs Road, Apopka, Florida:** Mr. Peter Zimmerman represented the applicant which requested a waiver from installing

lavatories, water closets and grab bars in a day care center at the height specified in Chapter 11 of the Florida Building Code. He also requested that the lavatories be permitted to be mounted immediately outside the toilet rooms to facilitate assistance with hand washing and general clean up. He asked that the clear floor space be reduced from 48 inches to 36 inches and was informed this is not waiveable since the ADAAG Guidelines for Children's Facilities require 48 inches clear. The project is a new, \$675,000, 8,400 square foot addition to an existing child care center. Cost is not a factor in requesting the waiver, but rather safety issues if the mounting heights complied with adult dimensions. Mr. Zimmerman also asked if he could amend the application to include mounting heights for the mirrors and agreed to withdraw the request pertaining to clear floor space. Mr. Long commented that during deliberations for a previous day care center, the Council recommended approving the lavatory outside the toilet room provided a portable lavatory was available onsite to provide privacy in the event of accidents. Mr. Zimmerman agreed to make a portable lavatory available. Mr. Long moved to recommend approving the waiver provided all fixtures, grab bars and mirrors are mounted in accordance with the ADAAG guidelines. Following a second by Dr. Harding, the vote of the motion was unanimous in favor thereof. Mr. Long moved to recommend approving the lavatory outside the toilet room and having a portable lavatory on the premises. Dr. Harding seconded the motion, and the vote of the Council was unanimous in favor of it.

**Kappa Alpha Fraternity House, 418/424 West College Avenue, Tallahassee, Florida:** Mr. Richard Barnett and L. Blair Bailey represented the applicant for a waiver from providing vertical accessibility to the second floor of a new, \$850,000 facility that will provide housing for 20-21 college students. Ten sleeping rooms are planned for the second floor and one accessible room will be built on the first floor. The first floor contains all common elements including kitchen facilities, a dining room, recreation room, office and storeroom. The project also includes accessible public toilets, a ramp to access the building and accessible parking. Mr. Bailey advised the Council that the project will be built in phases and eventually all levels will be accessed by elevator. It is the fraternity's policy to require its chapters to complete fundraising before construction begins, since they are prohibited from having mortgages. Mr. Long moved to recommend granting the request for a four year period to commence with the issuance of the certificate of occupancy for the first phase of the project. Dr. Harding seconded the motion and the vote of the Council was unanimous in favor of it.

Bunny Armstrong entered the meeting at 11:00 A.M.

**Premiere Theaters – Oaks 10, 445 Lincoln Road, Miami Beach, Florida:** Chairman Melick recognized Mr. Rodney Sartain, who represented the applicant. The project owner is requesting a waiver from providing vertical accessibility to all levels of seats in a stadium style movie theater. The project is a \$600,000 alteration to an existing facility and estimates were provided that indicate it would cost an additional \$45,000 for each of the ten theaters to make each row accessible. The plans indicate that the project was designed to comply with the requirements imposed by the Florida code for numbers of wheelchair accessible seats and companion seats have been provided in

all cases. Mr. Sartain asked to amend the application for Theaters 9 and 10, which had been slightly redesigned to be more accessible than originally submitted. Mr. Long moved to recommend approving the application as amended. Dr. Harding seconded the motion and the vote of the Council was unanimous in favor thereof.

**Zooz Sandwich Café, 556 Lincoln Road, Miami Beach, Florida:** Mr. Robert Fine represented the applicant which requested a waiver from providing vertical accessibility to a 300 square foot mezzanine that is being altered at a cost of \$15,000. The work is being done to upgrade the structural integrity of the area and to install a barrier guardrail and new stair. Other accessible seating is available on the main level. The project architect submitted an affidavit in which he stipulated he had explored all available options for providing vertical accessibility, including a lift or LULA, and could find no equipment available for less than \$12,000. The affidavit stated this is disproportionate to the cost of the alteration and the waiver should be granted. Ms. Armstrong moved to recommend denying the request since no hardship had been demonstrated. Following a second by Mr. Long, the vote of the Council was unanimous in favor of the motion.

**Oristo of Florida Parking Garage, 31975 U. S. Highway 19 North, Palm Harbor, Florida:** Chairman Melick recognized Mr. Stephen Horton and Mr. William Shulman as representatives of the applicant. The applicant requested a waiver from providing vertical accessibility to the second level of a new, 1,768,490 open parking structure. The building will have 384 parking spaces, of which, two are accessible and located on the grade level first floor. Section 11.4.1.2(5)(b) allows all accessible parking spaces to be located on a single level in a garage. The applicant submitted an estimate of \$65,450 to install an elevator. Mr. Horton advised the council that his client was of the opinion that the second level was unoccupiable space and, therefore, not subject to the provisions of the code. Chairman Melick responded that the building code clearly included portions of a parking facility as occupiable spaces. Ms. Armstrong moved to recommend denying the waiver, as no infeasibility was demonstrated, it is not a financial hardship and the area in question is occupiable. Ms. Williamson seconded the motion and the vote of the Council was unanimous in favor of it.

The Council recessed for lunch at 12:10 P.M. and reconvened at 1:20 P.M.

**Shamrock Condominium, 4001 N. Pine Island Boulevard, Sunrise, Florida:** Mr. Carlos Chuman represented the applicant, which requested a waiver from providing vertical accessibility to the second level of a condominium clubhouse. The first floor contains offices, storage, conference room and an exercise room. The second floor is a living unit, designed for use by the property manager. An estimate was provided stipulating the cost to provide an elevator to the second floor would be \$59,925. Following brief discussion, Ms. Armstrong moved that although no waiver is necessary since the area in question meets the exception provided in the code, to recommend granting the waiver to the extent a waiver is required. Mr. Long seconded the motion and the vote of the Council was unanimous in favor thereof.

**The Sweet Shop 701 West Jefferson Street, Tallahassee, Florida:** Mr. Clark Eldredge represented the applicant., which requested a waiver from providing vertical accessibility from the exterior to the entrance of a restaurant. The facility was constructed in the 1930's and because it is located on zero lot line property, constructing a ramp would require removing a portion of the front porch and eliminating a substantial amount of exterior seating. The applicant petitioned the City of Tallahassee to allow a ramp system to begin at the rear of the building and proceed along a side street, but was denied. Quotes were submitted for \$17,290 and \$23,533 to construct a ramp at the front. Quotes were also submitted for a lift into the building at a cost of \$11,270 and \$13,151 respectively. The cost of construction is \$20,000 and Mr. Eldredge stated that vertical accessibility would be disproportionate to the cost of the work being done. Two elevated platforms inside the restaurant have already been made accessible and the door swing into a toilet room has been corrected so that it does not encroach into required clear floor space. Mr. Long stated that the applicant meets the criteria specified in House Bill 1307 for disproportionate cost and moved to recommend approval. Dr. Harding seconded the motion and offered an amendment that the approval also be contingent on placing a sign outside notifying patrons that personal service would be provided, as needed. Mr. Long accepted the amendment and the vote of the Council was unanimous in favor of the amended motion.

**Ghirardelli Chocolate Shop and Soda Fountain, 801 Lincoln Road, Miami, Florida:** Mr. Jason Davis represented the applicant which requested a waiver from providing vertical accessibility to a 1,162 square foot mezzanine. The building is being converted from a bar/restaurant to an ice cream and soda shop. There will be 37 sets on the first floor, 40 on the mezzanine and an additional 92 seats outside. The total construction cost will be \$250,000 and an estimate was provided that to install an elevator would cost an additional \$71,156. Mr. Davis stated that if an elevator were installed, it would impact the amount of storage available, necessitating additional stock deliveries per month, increasing the cost of operation approximately \$3,000-\$4,000 per month. Chairman Melick vacated the chair to Dr. Harding and stated that the applicant had not submitted evidence or documentation of disproportionate, nor had any alternative to an elevator been investigated. He moved to defer consideration of the waiver until the next meeting to obtain further information. Ms. Armstrong seconded the motion, and the vote of the Council was unanimous in favor of it.

**Palmer College Academic Building, Port Orange, Florida:** No one was present to represent the applicant, and Ms. Armstrong moved to defer action on the application until the next meeting to give the applicant the opportunity to attend. Ms. Williamson seconded the motion and the vote of the Council was as follows: Aye: Harding, Long, Williamson, Armstrong. Abstain: Melick, who was out of the room when the issue was discussed.

**Shari (Shi) Sushi Lounge, 621 Central Boulevard, Orlando, Florida:** No one was present to represent the applicant. Ms. Armstrong moved to defer consideration until the next meeting to give the applicant the opportunity to attend. Following a second by Dr. Harding, the vote of the Council was unanimous in favor of the motion.

*NOTE: Mr. Matt McDaniel came before the Commission although he had not been present at the Council meeting. The project was a request for a waiver from vertical accessibility requirements to a 22 seat mezzanine in an existing restaurant. There are 50 seats on the accessible first level, including sidewalk dining. The previous owner constructed the mezzanine without addressing vertical accessibility and Mr. McDaniel cannot use it without either providing access or obtaining a waiver. He submitted estimates of \$46,450 and \$47,800 for a platform lift with an enclosure. A quorum of Council members was not present at the Commission meeting, but an informal poll indicated they felt the waiver should be granted. The Commission unanimously granted the request.*

There being no further business to come before the Council, the meeting adjourned at 2:35 P.M.