

**FLORIDA BUILDING COMMISSION
ACCESSIBILITY ADVISORY COUNCIL
October 18, 2004
Rosen Plaza Hotel, Orlando, Florida**

Chairman Neil Melick called the meeting of the Accessibility Advisory Council to order at 9:15 A.M. at the Rosen Plaza Hotel in Orlando, Florida. Members present were Chairman Melick, Johnny Long, Pam Dorwarth, Barb Page, Mary Ellen Ottman and J. R. Harding. Staff present were Mary Kathryn Smith and Richard Shine.

Review of the Minutes of the August 30, 2004 Meeting. Mr. Long moved to approve the minutes, with the modification that the Council's justification for recommending disposition of waivers be included. Ms. Page seconded the motion and the vote of the Council was unanimous in favor of it.

Review of Applications for Waivers from Accessibility Requirements.

Stock Exchange Restaurant, 125 Basin Street, Daytona Beach. No one was present representing the applicant. No one was present representing the applicant. A decision had been delayed several times to allow the applicant or representative to attend. Ms. Long moved to send the applicant a notice to either come to the next meeting or resubmit the application. Ms. Page seconded the motion and the vote of the Council was unanimous in favor thereof.

Blessed Trinity Catholic Church, 4545 East Anderson Road, Orlando: Mr. Jose Barbosa represented the applicant which requested a waiver from providing vertical accessibility to the baptismal font of a new, \$4,734 church. The building inspector is requiring handrails around the 27-inch deep baptismal pool, which will be used to baptize adults by immersion and infants and children by aspersion. He asserted that the building is not subject to the federal ADA requirements, nor the Florida Accessibility Code by virtue of its function as a religious facility. No cost estimates were submitted; however, Mr. Barbosa stated cost was not the issue, rather installation of handrails would impede the liturgical rite of the sacrament of baptism. Ms. Ottman moved to recommend dismissing the application for lack of jurisdiction. Following a second by Mr. Long, the vote of the Council was in favor of the motion. Chairman Melick advised Mr. Barbosa that the handrail issue should be dealt with through the local building official.

Florida International University Graduate School of Business, University Park, Miami. Chairman Melick recognized Ms. Susan Lowance and Mr. Gustavo Berenblum to represent the applicant which requested a waiver from providing vertical accessibility to all rows of seats in a 228-seat auditorium and a 60 seat teaching laboratory. The project will cost \$17.4 million and will house student spaces, administrative offices, teaching specs (including flat classrooms, behavior labs, tiered classrooms) breakout rooms and an auditorium. Both buildings are two stories and served by public elevators with an additional service elevator in Building 1, which connects all main floors. No cost estimates were submitted to provide either chair lifts to

all levels or to slope the floors to make each level accessible; however, the issue involves teaching methods and a sloped floor would not provide adequate sight lines and would result in loss of seating in the facilities. The required number of accessible seats is planned, but in the auditorium, staff recommended grade level accessible seats should be separated to provide for companion seating. Chairman Melick stated he would accept motions to address the issues separately. Dr. Harding moved to recommend granting the waiver from the classrooms, since further modification to the proposed design was unnecessary. Ms. Page seconded the motion and the vote of the Council was unanimous in favor of it. As for the auditorium, Mr. Long moved to recommend granting the waiver, provided the area is redesigned to provide access in the center. Dr. Harding seconded the motion and offered an amendment to also require flip-up armrests. The vote of the Council was as follows: Aye: Melick, Long, Page, Ottman and Harding, who deemed the it was unnecessary and would cause extreme hardship to further redesign the facility. Ms. Dorwarth voted nay.

Northwood University Student Life Center, 2600 North Military Trail, West Palm Beach: Mr. James Howells and Mr. David Luhrsen represented the applicant which requested a waiver from providing vertical to all rows of retractable bleachers in the gymnasium/locker room that is part of a new, \$5,760,000 project which also includes a book store, classrooms and administrative offices. The two bleacher systems in question contain 400 seats each requiring a total of 11 accessible seats. The plans indicated there are four recessed areas to accommodate wheelchair users. The applicant contended it would cost an additional \$15,000-20,000 to provide a portable wheelchair lift so that all rows would be accessible, but submitted no costs to substantiate the estimate. Mr. Howells advised the Council the recessed areas were designed to accommodate 12 wheelchairs. Dr. Harding moved to recommend granting the waiver, provided all appropriate companion seats are also included. Ms. Ottman seconded the motion and the vote of the Council was unanimous in favor of it. The reason for the recommendation was technical infeasibility.

Southeast Mechanical Service, 2315 S. W. 58th Way, Hollywood. Chairman Melick recognized Mr. David Oliver to represent the applicant which requested a waiver from providing vertical accessibility to the second floor containing 4 offices, 2 work rooms, a plan room and a conference room totaling 1,700 square feet. The project will cost \$80,000 and an estimate was submitted to indicate it would cost an additional \$12,300 to \$14,500 for a lift. The estimate did not include the cost of a shaft, which would be the further responsibility of the owner. Mr. Oliver stated the second floor would only be used by 5 salesmen and the first floor provides accessible offices and toilet rooms. Dr. Harding moved to recommend granting the waiver because of financial hardship for a period of three years. Ms. Page seconded the motion, and the vote of the Council was unanimous in favor thereof.

Grove Isle Club and Resort, Four Grove Isle Drive, Coconut Grove: Mr. Steven Rossi and Mr. Joel Brown represented the applicant, which requested a waiver from providing vertical accessibility to the second floor of a space that is located adjacent to a hotel. The 2,878 square foot building is being renovated at a cost of \$414,071 and

the total cost to install an exterior hoistway and lift would cost \$137,700 to \$147,900. Mr. Rossi said the issue was not cost, but technical infeasibility. To install the lift in the interior would require the removal of existing roof trusses and installation of a new roof. The building is also constructed using a plan and beam system spanning from exterior wall to exterior wall. The project architect contended and the building department concurred that it is technically infeasible to make the second floor accessible. All amenities offered on that level are duplicated on the accessible grade level. Mr. Long moved to recommend granting the waiver because of disproportionate cost and technical infeasibility, provided all amenities offered on the second floor are also on the first. Dr. Harding seconded the motion, and the vote of the Council was unanimous in favor thereof.

ORP Realty, LLC, 327 South Palmetto Avenue, Daytona Beach: Chairman Melick recognized Ms. Mary Ellen Osterndorf and Mr. Richard Osterndorf as the applicant's representatives. The request for waiver was from providing vertical accessibility to the existing second floor of a law office containing two offices, a storage and secretarial area, which will be converted for use exclusively as storage during construction. A new addition will include accessible toilet rooms, two attorneys' offices, a waiting area secretarial area and conference rooms and a secretarial room and three conference rooms on the existing sunken first floor. The cost of construction is \$200,000; however, no cost estimate was submitted for installation of a chair lift or elevator to the renovated, 700 square foot existing second floor. Dr. Harding moved to recommend granting the waiver because of technical infeasibility and following a second by Ms. Ottman, the vote of the Council was unanimous in favor of the motion.

Laura E. Macdougall, dba La's Bistro, 63 West Granada Boulevard, Ormond Beach: Chairman Melick recognized Ms. Laura Macdougall who requested a waiver from providing vertical accessibility to the second floor of a 1920's single family dwelling which was converted to a restaurant on the first floor. During the course of conversion, the first floor was made fully accessible, including a ramped entrance, accessible toilet rooms and accessible seating. She now wished to add tables and chairs on the second floor to be used for private parties. The area in question would seat 10 persons. There is no construction cost being incurred but because the building's previous use was a residential facility, the building must be made fully accessible if used for commercial purposes. Ms. Macdougall indicated it would cost \$25,000 for elevator equipment, or \$50,000 to provide an elevator and hoistway on the exterior of the building. Ms. Dorwarth moved to recommend granting the waiver due to technical infeasibility. Ms. Ottman seconded the motion and the vote of the Council was unanimous in favor of it.

St. Ann Catholic School Gymnasium Addition, 410 North Olive Avenue, West Palm Beach: Ms. Maria Belk, Mr. Rudolf Hernandez and Mr. Jim Bannon represented the applicant, which requested a waiver from providing vertical accessibility to all rows of retractable bleachers in a new gymnasium serving grades K-8. The project will cost \$3.4 million. The bleacher system will accommodate 385 seats and will require 6 accessible wheelchair seating locations with adjacent companion seats. These seats are

indicated on the grade level of the gymnasium. Mr. Bannon stated it would cost an additional \$30,000 to provide vertical access, but submitted no cost estimates. Ms. Ottman moved to recommend granting the waiver because of unreasonable hardship. Mr. Long seconded the motion and the vote of the Council was unanimous. Dr. Harding was out of the room during the vote.

Weaver Dental Office, 1955 Raymond Diehl Road, Tallahassee: Ms. Shine advised the Council that the applicant stated he had received inadequate notice prior to the October meeting. Mr. Shine recommended the Council allow him to make a presentation and discuss the issue with the members. The Commission had previously voted to deny the request since there is no exception from the requirement to provide an elevator in the office of a health care provider. Chairman Melick recognized Mr. James Ledo stated that the 1,622 square foot second floor would be used by employees only with all services provided to the public on the accessible first floor. Mr. Long moved to recommend dismissing the applicant due to lack of jurisdiction by the Council and Commission. Following a second by Ms. Dorwarth, the vote of the Council was unanimous in favor of the motion.

There being no further business to come before the Council, the meeting adjourned at 12:45 P.M.