

**FLORIDA BUILDING COMMISSION  
ACCESSIBILITY ADVISORY COUNCIL**

**MINUTES  
July 1, 2002**

Chairman Bunny Armstrong called the meeting to order at 9:00 A.M. at the Rosen Plaza Hotel, 9700 International Drive in Orlando. Members present were Chairman Armstrong, Neil Melick, J. R. Harding, Johnny Long and Pam Dorwarth. Staff present were Mary Kathryn Smith and Al Bragg.

**Review of the Minutes of the May 12, 2002 Meeting**

Chairman Armstrong asked if there were any corrections or additions to the minutes. Mr. Long moved to approve the minutes as written, and following a second by Dr. Harding, the vote of the Council was as follows: Aye: Melick, Harding, Long and Dorwarth. Nay: Armstrong.

**Review of Applications for Waiver from Accessibility Code Requirements**

**Colony Theater Restoration and Stage House Improvements:** Chairman Armstrong recognized Mr. Terry Siegall, who represented the applicant which requested a waiver from providing vertical accessibility to all levels of seating in a 455 seat theater being renovated to add 4,775 square feet to a stage house and to restore the remainder of the historic structure. The addition will cost \$2,870,637 and the restoration \$1,355,647. Improvements included in the alteration include a new entrance ramp, accessible ticket booth, accessible route to the accessible seating areas, accessible seating and accessible retail counter. Mr. Siegall pointed out that 16 accessible seats were available on the first row of seats and stated that it was technically infeasible to provide seating at levels above that area. The restored portion of the building will remain two story, while the stage house will be four stories, 77 feet high. The building official concurred with that assertion of technical infeasibility and recommended granting the request. Discussion followed which included concerns that a person using a wheelchair could not adequately see the stage from the first row. Mr. Long moved to recommend denying the request, and was seconded by Ms. Dorwarth. Mr. Melick offered an amendment to defer action to give the application additional time to research the feasibility of providing additional seats. The amendment was not accepted. The vote of the Council was unanimous in favor of the recommendation to deny.

**Crazy Conch Café, Inc.** No one was present to represent the applicant who requested a waiver from providing vertical accessibility to 90 seats located on the mezzanine level of a restaurant. The project was previously used as a restaurant and the new occupant is remodeling it to increase seating. 150 accessible seats on the first floor will also be provided. According to the applicant, the project will cost \$70,000; however, the building official indicated the contractor stated it would cost \$90,000. An estimate provided stated that the cost to provide an elevator would be \$50,000. In the building official's review, it confirmed a letter had been submitted stating the applicant would abide by the Commission's decision and agreed to remove the inaccessible seating if the waiver were denied. The application had been deferred twice

previously, and Mr. Long moved to recommend denying the request. Ms. Dorwarth seconded the motion and the vote of the Council was unanimous in favor of it.

**McFarlain-Cassedy Law Firm Renovations:** Mr. Robert McNeely and Mr. Ivan Johnson represented the applicant, which requested a waiver from providing vertical accessibility between the first and second floors of an office building used as law offices. The waiver was previously denied. As a result, the applicant proposed installing a lift that would allow a wheelchair user to move from floor to floor without having to transfer out of the wheelchair. However, Mr. Johnson stated the stairwell is not wide enough to accommodate this type lift and proposed installing a chair type, residential lift. This would resolve accessibility issues for people with some types of disabilities, but would not resolve the problem for wheelchair users. Estimates were submitted ranging from \$24,985-35,000 for a passenger elevator cab with an additional \$97,277 for the shaft and machine room. Accessibility may be achieved to either level, but would require an individual to go outside and enter the second floor from another direction. Mr. Melick moved to grant, provided the applicant installs a lift. Mr. Long seconded the motion, and following discussion, Dr. Harding stated he did not approve of that type lift. Mr. Long offered an amendment and stated that the Council should recommend granting the waiver without the lift because disproportionate cost had been demonstrated. Dr. Harding accepted the amendment and the vote of the Council was unanimous in favor of the motion.

**Super 8 Motel:** Chairman Armstrong recognized Ms. Barbara Mears who represented the applicant which requested a waiver from providing vertical accessibility to the second floor of a motel that was originally constructed in 1973. The existing stairs are being replaced, which the building department deemed to be an alteration, thus triggering the requirement for vertical accessibility. The project will cost \$56,350, and Ms. Mears provided an estimate that it would cost an additional \$150,000 for two elevators, plus the cost of upgrading the electrical system to accommodate the equipment. Two elevators would be necessary to provide access to all upper level rooms, since there are two separate buildings separated by walkways. Mr. Melick moved to recommend dismissing the application since it appeared to be routine maintenance, not an alteration. Following discussion, the motion was withdrawn. Ms. Mears stated that the stars are being replaced exactly as they currently exist. Furthermore, all accessible rooms are located on the first floor. Mr. Long moved to recommend approving the request, and following a second by Mr. Melick the vote of the Council was unanimous in favor of the motion.

**Pediatric Associates of Orlando:** Mr. Christopher Castor represented the applicant which requested a waiver from providing vertical accessibility to the second floor of a clinic. He stated the application was submitted as a conceptual review and depending on the Commission's decision plans will be generated reflecting the conditions in the Final Order. Site constraints and structural elements of the building do not readily lend themselves to the installation of an elevator. He requested technical assistance to determine the best course of action. The owner anticipates spending \$150,000 to perform the renovation and an approximately \$60,000 would be required for an elevator. Mr. Melick stated that in his opinion, the building could be made compliant with the new ASME elevator standard and moved to recommend deferring action on the application. Dr. Harding seconded the motion and the vote of the Council was unanimous in favor of it. Mr. Bragg advised Mr. Castor that he would withdraw the application and not

have it deferred. Mr. Castor asked that the application be withdrawn from consideration. Mr. Melick accepted the withdrawal, and rescinded his motion. Dr. Harding rescinded his second and the application was withdrawn.

**Davie Campus - Jewish Federation of Broward County.** No one was present representing the applicant and Mr. Long moved to defer consideration of the waiver until the end of the meeting. Ms. Dorwarth seconded the motion and the vote of the Council was unanimous in favor of it.

**General Hauling Services, Inc.:** Chairman Armstrong recognized Ms Soy Williams representing the applicant which requested a waiver from providing vertical accessibility to the second floor containing 4,255 square feet of unoccupiable space. The first floor is being altered, thus necessitating the waiver being filed. The second floor has been abandoned and not in use for a number of years. The current property owner contends that the second floor space will not be used, and if plans are made to expand into the area, vertical accessibility will be addressed at that time. Ms. Williams stated that there are no utilities provided to the second floor. The Building Official agreed that the space was unoccupiable, but felt the square footage was too large to allow an exception. Mr. Melick said that in his jurisdiction he would handle the situation by having the owner remove the stairs, which would prevent the area from being used. Mr. Melick moved to recommend granting the waiver on the grounds that it is unnecessary for anyone to access the area. Ms. Dorwarth seconded the motion. Mr. Long commented that a letter should be submitted by the owner stating that if the area was altered, vertical accessibility would be provided. The vote on the motion was as follows: Aye: Melick, Long, Dorwarth, Harding. Nay: Armstrong.

**Wade Raulerson Pontiac GMC Truck:** Mr. Paul Stressing represented the applicant which requested a waiver from providing vertical accessibility to a 1,653 square foot second floor used for storage and records retention. The building is being altered to construct a 930 square foot addition after the existing toilet rooms are demolished. New accessible toilet facilities for men and women as well as the owner's private toilet room will be built in the addition. The project will cost \$200,000, and no estimates for equipment to provide vertical accessibility were provided. He stated that it would cost \$18,000 for a design professional to determine the feasibility of installing an elevator and preparing bid documents before an estimate is available. He said the owner will provide confirmation that in the event of adding work space to the second floor, vertical accessibility will be addressed. Mr. Melick moved to recommend granting the waiver provided conversion to a second floor office would require vertical accessibility. Ms. Dorwarth seconded the motion and the vote of the Council was unanimous in favor of it.

**Marriott Marco Island Resort:** Mr. Robert Fine and Mr. Wes Wehrend represented the applicant which requested a waiver from providing vertical accessibility to all levels of a resort hotel. The project is a \$1,200,000 alteration to a restaurant located on the first floor, e.g. lower lobby, and an elevator is planned to provide access to that area from the main lobby, e.g. second floor. The waiver would be to not require elevator access to the third level mezzanine because of technical impracticability involving relocating mechanical systems, penetrating a roof, modifications to the roof structure and modification to that level's floor plan and floor structure.

The applicant's affidavit stated it would cost approximately an additional \$200,000 to provide elevator access to all three levels. Mr. Melick moved to recommend granting the waiver because of disproportionate cost and was seconded by Dr. Harding. The vote on the motion was as follows: Aye: Melick and Harding. Nay: Armstrong, Dorwarth and Long. The motion failed. Following discussion, Ms. Armstrong relinquished the chair and moved to reconsider the motion. Mr. Melick seconded the motion and the vote was as follows: Aye: Armstrong, Melick, Long and Harding. Nay: Dorwarth. Mr. Melick moved to recommend granting the waiver because of disproportionate cost and following a second by Dr. Harding, the vote of the Council was as follows: Aye: Armstrong, Melick, Long and Harding. Nay: Dorwarth.

**Davie Campus - Jewish Federation of Broward County.** No one was present to represent the applicant which requested a waiver from providing vertical accessibility to all levels of a retractable bleacher system in a gymnasium. The project is a new, \$3,000,000 gym and fitness center being added to an existing facility. An elevator has been provided to the second floor, which contains a jogging track and storage areas. Cost is not a factor, rather the structural impracticality of making each level of the bleacher system is the reason for requesting the waiver. Dr. Harding moved to recommend denying the request and the motion died for lack of a second. Dr. Harding moved to defer consideration of the application and strongly urge the applicant to attend. Following a second by Mr. Long, the vote of the Council was unanimous in favor of the motion.

Mr. Long expressed his concern that there is no state oversight on the disposition of Final Orders that reflect that waivers were granted with conditions, such as requiring installation of elevators or lifts within a given time frame. He also suggested posting the Final Orders on the website, and Mr. Bragg concurred that was possible.

There being no further business to come before the Council, the meeting adjourned at 12:30 P.M.