“THE RANCH” POLO PAVILION

Issue: Vertical accessibility to all levels of seating in an open air assembly structure.

Analysis: The applicant is requesting a waiver from providing vertical accessibility to all levels of seating in an open air structure that will contain restrooms and viewing spaces for polo matches. The structure contains 4,957 square feet of seating and will provide ramps to the main level which will house tables, chairs and counter seating as well as restroom facilities. Two lower sections only have bench seating and according to the applicant installation of ramps would interfere with sight lines to the polo fields. The applicant stated that cost was not a factor and felt that since the majority of the structure is accessible, total access is not required.

Project Progress:

The project is under design.

Items to be Waived:

Vertical accessibility to all levels of seating, as required by Section 553.509, Florida Statutes.

553.509 Vertical a ccessibility. 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.
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: “The Ranch” Polo Pavilion

Address: State Road 60, Indian River County, Florida

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: Robert Banov, Banov Architects, P.A.

Applicant's Address: 2975 Twentieth Street, Vero Beach, Florida 32960

Applicant's Telephone: 772/299-6565  FAX: 772/299-6578

Applicant’s E-mail Address: banovarch@bellsouth.net

Relationship to Owner: Design Professional

Owner's Name: Fort Drum Venture, LLC

Owner's Address: 6050 5th St SW, Vero Beach, FL 32968

Owner's Telephone: 772/567-0000  FAX: 772/567-0004

Owner’s E-mail Address: Dolf Kahle @ aol.com

Signature of Owner: __________________________ by Dolf Kahle, Mgr.

Contact Person: Robert Banov

Contact Person’s Telephone: 772/299-6565  E-mail Address: banovarch@bellsouth.net
This application is available in alternate formats upon request.
Form No. 2001-01

3. Please check one of the following:

[X] 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.)

This Polo Pavilion is a 4,957 gross s.f. assembly structure (primarily open air) designed for the viewing of polo matches on adjacent polo field.

5. Project Construction Cost (Provide cost for new construction, the addition or the alteration): NOT APPLICABLE

6. Project Status: Please check the phase of construction that best describes your project at the time of this application. Describe status.

[X] Under Design [ ] Under Construction*

[ ] In Plan Review [ ] Completed*

* Briefly explain why the request has now been referred to the Commission.

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 11-4.33 Assembly Areas. This section of the code requires all assembly and associated areas to be accessible. This Polo Pavilion is an open-air structure to provide covered assembly area and restrooms. The primary seating area for viewing the Polo Field is from the main level of the building, which is elevated above grade approximately 5 feet. This waiver is being sought for two intermediate viewing levels not accessible by ramp. The main level is on an accessible route, accessible via ramps to the grade level outside the building. Restrooms are located on this main level. The two access ramps provide access and egress from the facility. Seating on the main level is a combination of tables and chairs and counter seating. Adjacent to the main level
are two levels that are tiered at intermediate levels between the main level and grade level. These provide additional viewing areas, but are lower to avoid disrupting sightlines from the main level. These tiered seating areas are accessible via steps. Seating at the intermediate viewing tiers is on benches. The ramps do not serve these levels and it is not practical to provide ramps to these areas, as the ramps themselves would interrupt the viewing sightlines of one end of the polo field from these levels. It is access to these intermediate viewing tiers for which this exemption is being sought.

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.

[ X ] The hardship is caused by a condition or set of conditions affecting the owner which does not affect owners in general.

**Similar to conditions in a movie theatre, site lines for visibility of the polo match are a concern of the design of this facility. Ample primary seating is accessible to handicapped individuals on the main level; access to the intermediate levels does not prevent the full enjoyment of the viewing the polo match.**

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

[ ] 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.

**NOT APPLICABLE**
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.

This building is being designed to provide access to seating/viewing for the polo match as well as access to the restroom and all other facilities. The only areas restricted from full handicapped access are the two intermediate viewing levels. To provide wheelchair access to the intermediate levels would encumber the design with a series of ramps that would obstruct the sight lines from all of the viewing areas. The main level is the primary viewing area and is fully accessible per the Florida Accessibility Code. Restroom facilities and other public services are located on the main level.

[Signature]

Robert Banov, Architect
Printed Name

Phone number: **772-299-6565**

(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 8th day of JANUARY, 2008.

Signature

ROBERT BANOV

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.
Welcome Barbara Bryant.

State of Florida Dept of Community Affairs

Search Criteria

Biller Name: State of Florida Dept of Community Affairs
Details Date: 02/22/2008
Filter: PaymentMethod: ACH Division: DCA
Created: Thu Mar 6 2008 16:06:15 EST

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Details Date: 02/22/2008
PaymentMethod: CARD Division: DCA
Created: Thu Mar 6 2008 16:07:45 EST

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Completed Transactions Report Detail

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- Details Date: 02/25/2008
- PaymentMethod: ACH
- Division: DCA

Thu Mar 6 2008 16:08:19 EST

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- **Created:** Thu Mar 6 2008 16:10:08 EST

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