

Indian River Networks WAV# 136

Issue: The applicant is requesting a waiver from providing vertical accessibility to the second story of the building due to disproportionate cost.

Analysis: The applicant is requesting a waiver from providing vertical accessibility to the second story of the building. Indian River Networks is a small company with fifteen employees five of which work remotely. They provide IT support for businesses and have no walk-in trade. If someone with a disability was hired they have the ability to work remotely. The reason this accessibility waiver application has been submitted is because the local building official has indicated that he will not issue any permits of any kind for the 2nd floor repairs until an accessibility waiver has been granted. The applicants did not realize that they would not receive any permits for the renovation of the second floor without being granted an accessibility waiver. In the interim, the company has been moved into the downstairs smaller portion. There is an existing ramp which is too steep to utilize for accessibility. Construction of a new ramp which would be approximately 126' of run would cost around \$30,000. Construction of a residential type elevator would be around \$25,000. There are two alteration cost proposals one is bare minimum of \$50 per square foot ($\$50 \times 2300 = \$115,000$) the second quote of \$74,400 is more in line with what we need and is detailed. The cost of an elevator addition for compliance with vertical accessibility is around \$80,000 which is more than the cost of the entire second floor renovation. The hardship is caused based on this disproportionate cost of providing accessibility to the second level.

Uploaded Documents:

1. Second Floor Renovation Estimates
2. Elevator Addition Estimates
3. Pictures of Building

Project Progress: This project is in plan review and an alteration.

Items to be waived:

Vertical accessibility to the structure, as required by section 553.509, Florida Statutes.

553.509 Vertical accessibility. This part and the Americans with Disabilities Act Standards for Accessible Design do not relieve the owner of any building, structure, or facility governed by this part from the duty to provide vertical accessibility to all levels above and below the occupiable grade level, regardless of whether the standards require an elevator to be installed in such building, structure, or facility, except for:

- (a) Elevator pits, elevator penthouses, mechanical rooms, piping or equipment catwalks and automobile lubrication and maintenance pits and platforms;
- (b) 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
- (c) 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.
- (d) Theaters, concert halls, and stadiums, or other large assembly areas that have stadium-style seating or tiered seating if ss. 221 and 802 of the standards are met.
- (e) All play and recreation areas if the requirements of chapter 10 of the standards are met.

- (f) All employee areas as exempted in s. 203.9 of the standards.
- (g) Facilities, sites, and spaces exempted by s. 203 of the standards.
- (2) However, buildings, structures, and facilities must, as a minimum, comply with the Americans with Disabilities Act Standards for Accessible Design.

206.2.4 Spaces and Elements. At least one accessible route shall connect accessible building or facility entrances with all accessible spaces and elements within the building or facility which are otherwise connected by a circulation path unless exempted by 206.2.3 Exceptions 1 through 7.

402.2 Components Accessible routes shall consist of one or more of the following components: Walking surfaces with a running slope not steeper than 1:20, doorways, ramps, curb ramps excluding the flared sides, elevators, and platform lifts. All components of an accessible route shall comply with the applicable requirements of Chapter 4 and 208.3.1.

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.