

Expert Shutter WAV# 139

Issue: The applicant is requesting a waiver from providing vertical accessibility to the second story of the building due to the owner wishing to maintain strict privacy of his family office space.

Analysis: Expert Shutter Services, which is a new facility located at 688 SW Whitemore Dr. and it is a private facility that has less than three stories and less than 3000 square feet per story. The second floor is strictly designated, as an area for owners only, with two offices, a bathroom and a breakroom. It will not be open to the public, and no more than 5 persons will occupy the floor at any time. The Ground Floor has public offices, reception area, conference room, full breakroom and restrooms for employees and the public. The Ground Floor facilities are fully ADA-compliant. Space has also been allocated for a future 'ADA platform lift' if the current owner were to sell the business or open the 2nd floor to public access. The Building Department rejected the Vertical Accessibility exception (#3) for non-public space with 5 or less persons occupying the space. The Building Official contends that the Occupant Load calculated from Table 1004.1.2 would be 20 persons. The applicant stated that Chapter 10 is for 'Means of Egress', which we fully comply with, and that applying the Occupant Load stipulation to deny the Vertical Accessibility exception is a mis-application of the Codes. The Building Official wants the State to issue a letter (Binding Interpretation or Waiver) before they will acquiesce. The applicant is seeking a waiver based on the Vertical Accessibility exception (#3) for non-public space access.

Uploaded Documents:

1. Letter from Design Professional
2. Letter to Building Department
3. Project Building and Site Plans

Project Progress: This project is currently under construction

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.