

## **ROSARIAN ACADEM Y GYMNASIUM AND CLASSROOMS**

**Issue:** Vertical accessibility to all rows of a retractable bleacher system.

**Analysis:** The applicant is requesting a waiver from providing vertical accessibility to all rows of seats in a 600-seat retractable bleacher system. Wheelchair accessible locations accommodating 12 seats per side, plus companion seating, are planned. According to the applicant, the issue is not financial; it is technically infeasible and unreasonable to require access to all rows in a system of this type.

### **Project Progress:**

The project is under construction.

### **Items to be Waived:**

Vertical accessibility to all rows of seats, as required by Section 553.509, Florida Statutes.

553.509 Vertical accessibility. 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 {tc "OF CHAPTER 553, PART V,  
FLORIDA STATUTES " \1 2}**

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: Rosarian Academy Gymnasium and Classrooms

Address: 821 North Flagler Drive  
West Palm Beach, FL 33401

**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: Paul Twitty – Schwab, Twitty & Hanser Architects

Applicant's Address: 1400 Centrepark Blvd., Suite 500, West Palm Beach, FL 33401

Applicant's Telephone: (561) 688-2111 FAX: (561) 697-8040

Applicant's E-mail Address: PTWITTY@STH-ARCH.COM

Relationship to Owner: Architect for this project.

Owner's Name: Rosarian Academy (Sister Corinne Sanders, Principal)

Owner's Address: 807 North Flagler Drive, WPB, FL

Owner's Telephone: (561) 832-5131 FAX (561) 820-8750

Owner's E-mail Address: CORINNE@ROSARIAN.ORG

Signature of Owner: *S. Corinne Sanders*

Contact Person: Sister Corinne Sanders

Contact Person's Telephone: (561) 832-5131 E-mail Address: CORINNE@ROSARIAN.ORG

This application is available in alternate formats upon request.  
Form No. 2001-01

**3. Please check one of the following:**

- 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.)

The building contains 44,224 square feet with 3 floors. The building will have a gymnasium and multiple class rooms along with support functions such as locker rooms, storage and mechanical spaces. Seating in the gymnasium will accommodate approximately 600 seats using premanufactured retractable bleachers. Rosarian Academy is a private school with grades K-8.

**5. Project Construction Cost (Provide cost for new construction, the addition or the alteration):**

\$10,000,000.00

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

Under Design  Under Construction\*

In Plan Review  Completed\*

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

Inability to comply with section 553.509 of the Florida State Statutes and section 11-4.1.2 of the Florida Building Code dealing with vertical accessibility.

**7. Requirements requested to be waived.** Please reference the applicable section of Florida law. Only Florida-specific accessibility requirements may be waived.

**Issue:** Compliance with Section 553.509 Florida State Statutes

1: 553.509 Vertical accessibility. –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.

**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.

The issue of the requirement for vertical accessibility to all levels, as mandated by Florida State Statutes, section 553.509 VERTICAL ACCESSIBILITY. This section states that – *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 habitable grade level, regardless of whether the guidelines require an elevator to be installed in such building, structure, or facility.* However: we do not believe that this type of construction (retractable bleacher seating) was contemplated by the legislation in the drafting and implementation of the law for vertical accessibility and that the statute itself would impose a hardship on the applicant that is unique to the situation and more specifically its use nor that they meant that every level of bleacher type seating shall be made accessible. Bleacher type seating is the standard for this type of use for sports viewing. The industry, around the country, have been using section 4.33.3 Placement Of Wheelchair Locations for proceeding with their designs. This section states that – *Wheelchair areas shall be an integral part of any fixed seating plan and shall be provided so as to provide people with physical disabilities a choice of admission prices and lines of sight comparable to those for members of the general public. They shall adjoin an accessible route that also serves as a means of egress in case of emergency. At least one companion fixed seat shall be provided next to each wheelchair seating area. When the seating capacity exceeds 300, wheelchair spaces shall be provided in more than one location. Readily removable seats may be installed in wheelchair spaces when the spaces are not required to accommodate wheelchair users. EXCEPTION: Accessible viewing positions may be clustered for bleachers, balconies, and other areas having sight lines that require slopes of greater than 5 percent. Equivalent accessible viewing positions may be located on levels having accessible egress.* The client is aware of the concerns of the Accessibility Advisory Council on this issue. The concern of the Rosarian Academy is to strike a balance between the desires of the Council, the Commission and the construction process. It is impracticable to provide vertical accessibility to EACH level of a 600 bleacher seating venue using retractable or telescoping seating. With this in mind, Rosarian Academy has reviewed design concepts for providing accessible seating areas and the proposed solution is effective for

the use and design of retractable bleachers. Seating for 12 accessible seats will be distributed on each side of the court on the front row, recessed into the first riser and tread area. Companion seats are provided at each location. This venue addresses the concerns of the Council and responds to the needs of individuals with disabilities for this use. We believe that this viable solution will meet the concerns and needs of all parties.

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

The issue of providing vertical accessibility to all levels of bleacher type seating is not technically feasible, is an extreme hardship on the Rosarian Academy and is unreasonable.

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.


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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.

- a. \_\_\_\_\_
- b. \_\_\_\_\_
- c. \_\_\_\_\_

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.

Under Florida State Statutes a waiver can be granted for one of the following reasons – a determination of unnecessary, unreasonable, or extreme hardship. We believe that we would qualify under an unreasonable, and extreme hardship and technically infeasible. We concur with the reasoning as so stated under item 8.

Signature  Printed Name Paul Twitty

Phone number (561) 688-2111

(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 10 day of MARCH, 2008

Signature

Paul Twitty

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.

**REVIEW AND RECOMMENDATION BY LOCAL BUILDING DEPARTMENT.**

Please state why the issue is being referred to the Florida Building Commission as well as a recommendation for disposition. The Building Official or his or her designee should review the application and indicate that to the best of his or her knowledge, all information stipulated herein is true and accurate. Further, if this project is complete, explain why it is being referred to the Commission. The Building Official or his or her designee should sign a copy of the plans accompanying this application as certification that such plans are the same as those submitted for building department review. Please reference the applicable section of the Accessibility Code.

a. 553.509 Vertical Accessibility

b. 11-4.1.3(5)

c. \_\_\_\_\_

Has there been any permitted construction activity on this building during the past three years? If so, what was the cost of construction?

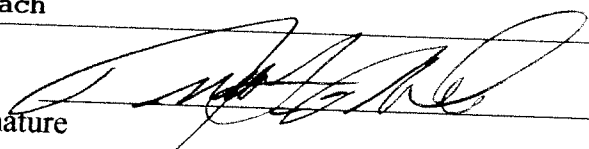
Yes  No Cost of Construction \_\_\_\_\_

**Comments/Recommendation** Plans and application provided for my review match the details submitted for permit.

Jurisdiction West Palm Beach

Building Official or Designee

Signature

  
Neil K. Melick

Printed Name

BU622

Certification Number

561-805-6650/561-805-6677

Telephone/FAX

Address: 200 2nd Street; West Palm Beach, FL 33401



SITH Architectural Group, Inc.  
 3111 NORTH FLORIDA DRIVE, SUITE 100  
 WEST PALM BEACH, FLORIDA 33411-3329  
 TEL: (561) 833-3529  
 FAX: (561) 833-4828

Rosarian Academy  
 Gymnasium Classroom Expansion  
 807 North Flagger Drive, West Palm Beach, Florida 33401

Building Dept.  
 Comments  
 10/03/07

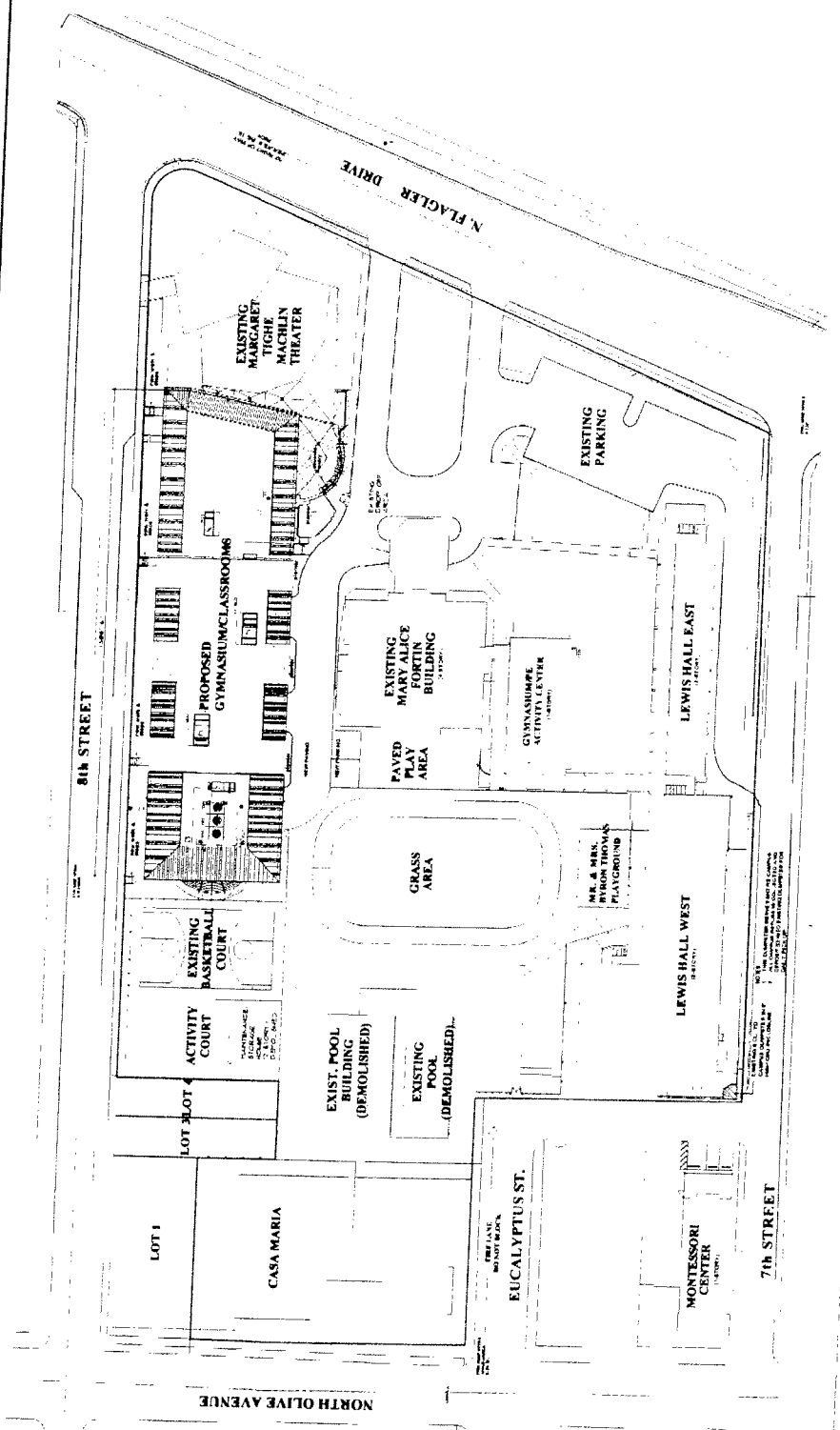
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 DRAWN BY: J. B. BROWN  
 CHECKED BY: J. B. BROWN

PROJECT NO.: 07-001  
 SHEET NO.: 101

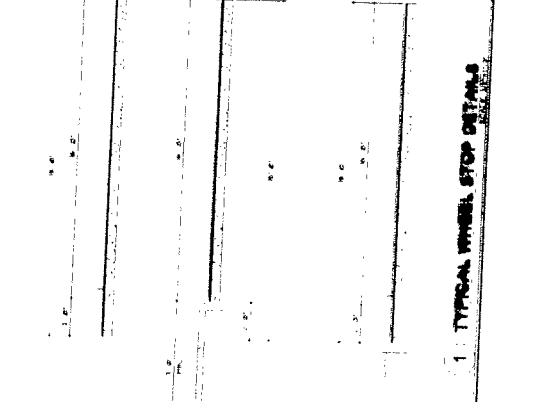
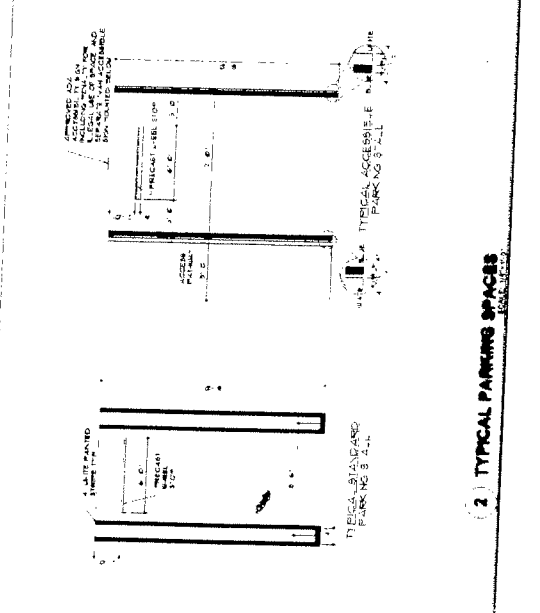
A100

SCALE: 1" = 30'

SITE PLAN



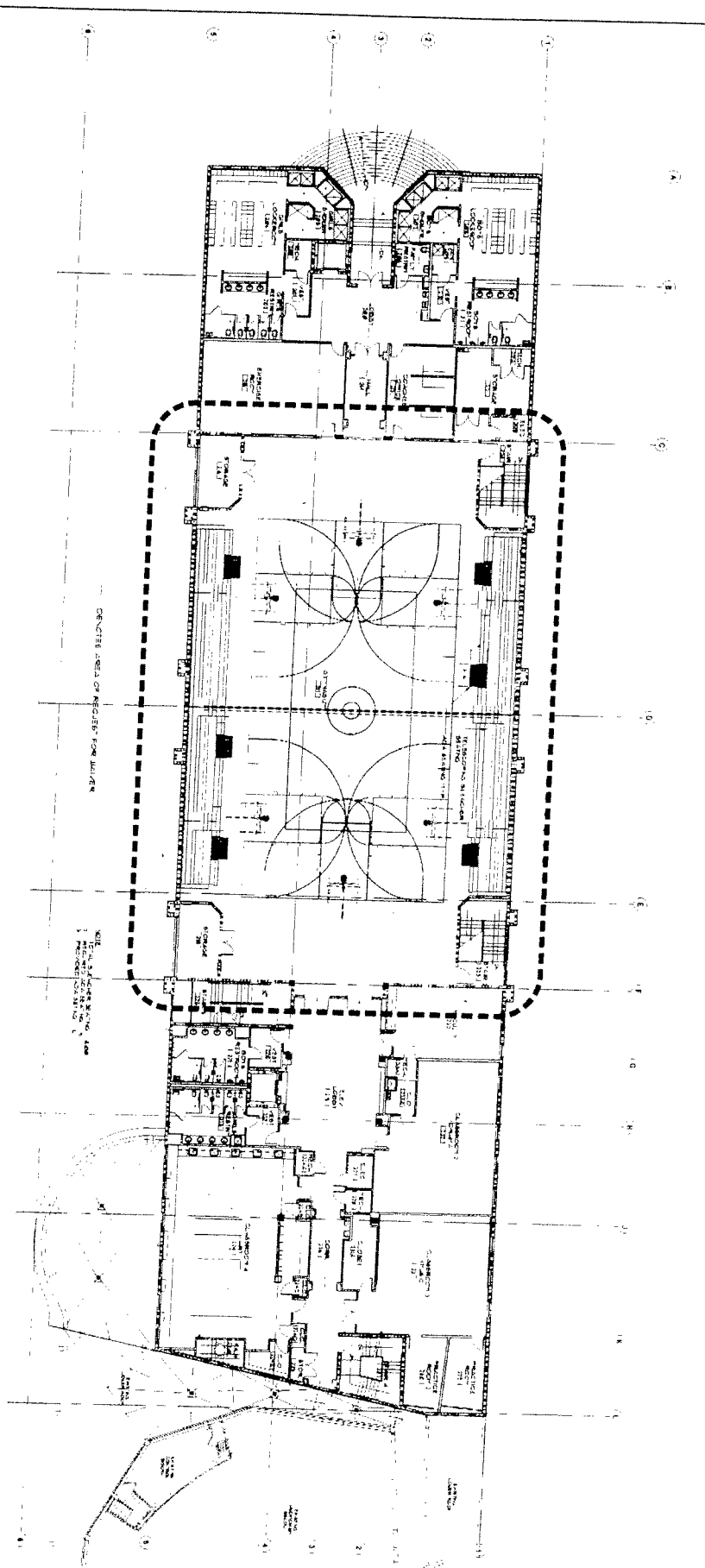
BUILDING AREA TABULATION		SITE DATA	
BUILDING	CURRENT EXIST. BLDG. SF AREAS	PROPOSED BLDG. SF AREAS	COMMENTS
EXIST. MARY ALICE FORTIN BLDG.	17,384	17,384	EXISTING
PROPOSED GYMNASIUM	16,500	16,500	NEW
PROPOSED CLASSROOM BLDG.	17,384	17,384	NEW
EXIST. MARGARET TIGHE MACHLIN THEATER	17,384	17,384	EXISTING
EXIST. LEWIS HALL WEST	17,384	17,384	EXISTING
EXIST. LEWIS HALL EAST	17,384	17,384	EXISTING
EXIST. MARY ALICE FORTIN BLDG.	17,384	17,384	EXISTING
EXIST. GYMNASIUM	17,384	17,384	EXISTING
EXIST. CLASSROOM BLDG.	17,384	17,384	EXISTING
EXIST. ACTIVITY CENTER	17,384	17,384	EXISTING
EXIST. THEATER	17,384	17,384	EXISTING
EXIST. CASAMARIA	17,384	17,384	EXISTING
EXIST. MONTESSORI CENTER	17,384	17,384	EXISTING
EXIST. PARKING	17,384	17,384	EXISTING
EXIST. GRASS AREA	17,384	17,384	EXISTING
EXIST. PLAY AREA	17,384	17,384	EXISTING
EXIST. POOL	17,384	17,384	EXISTING
EXIST. COURT	17,384	17,384	EXISTING
EXIST. BASKETBALL COURT	17,384	17,384	EXISTING
EXIST. LOT 1	17,384	17,384	EXISTING
EXIST. LOT 4	17,384	17,384	EXISTING
EXIST. LOT 5	17,384	17,384	EXISTING
EXIST. LOT 6	17,384	17,384	EXISTING
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EXIST. LOT 33	17,384	17,384	EXISTING
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EXIST. LOT 98	17,384	17,384	EXISTING
EXIST. LOT 99	17,384	17,384	EXISTING
EXIST. LOT 100	17,384	17,384	EXISTING



1. TYPICAL WHEEL STOP DETAILS

2. TYPICAL PARKING SPACES





**SECOND FLOOR PLAN**

**SCALE: 3/32" = 1'-0"**

A22.1

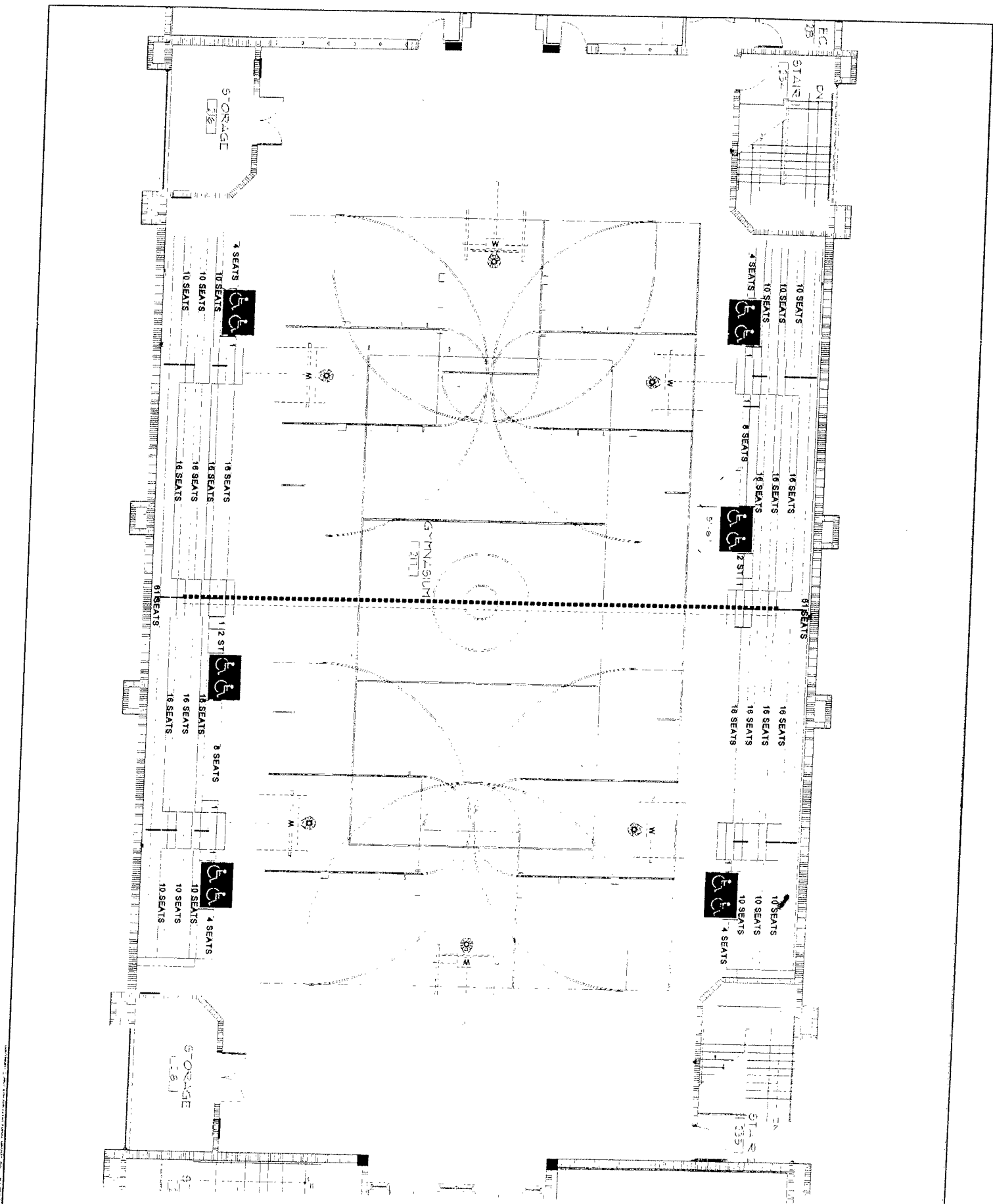
DATE	DESCRIPTION
10/03/10	COMMITMENT

Building Di  
Commitment  
10/03/10

*Rosarian Academy*  
**Gymnasium Classroom Expansion**  
907 North Florida Drive, West Palm Beach, FL 33411

STM Architectural Group, Inc.  
315 NORTH FLORIDA DRIVE, SUITE 400  
WEST PALM BEACH, FLORIDA 33411





**PARTIAL SECOND FLOOR PLAN - GYMNASIUM**

**SCALE: 1/4" = 1'-0"**

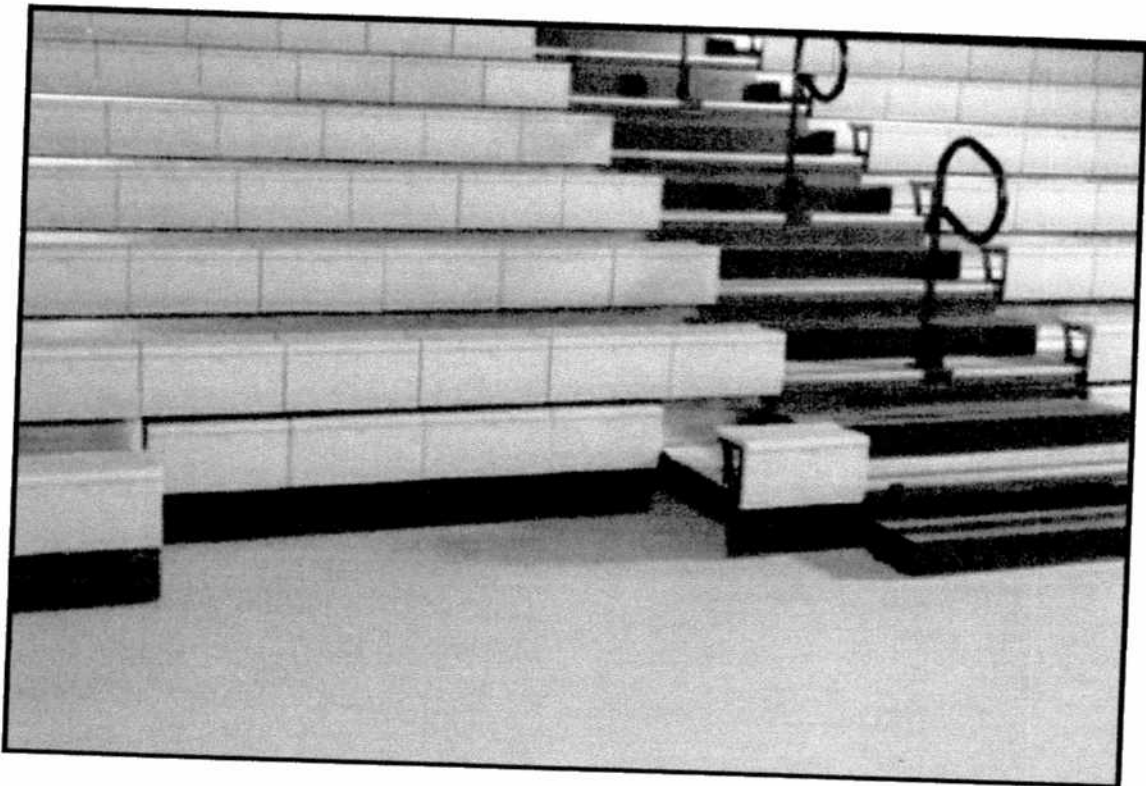
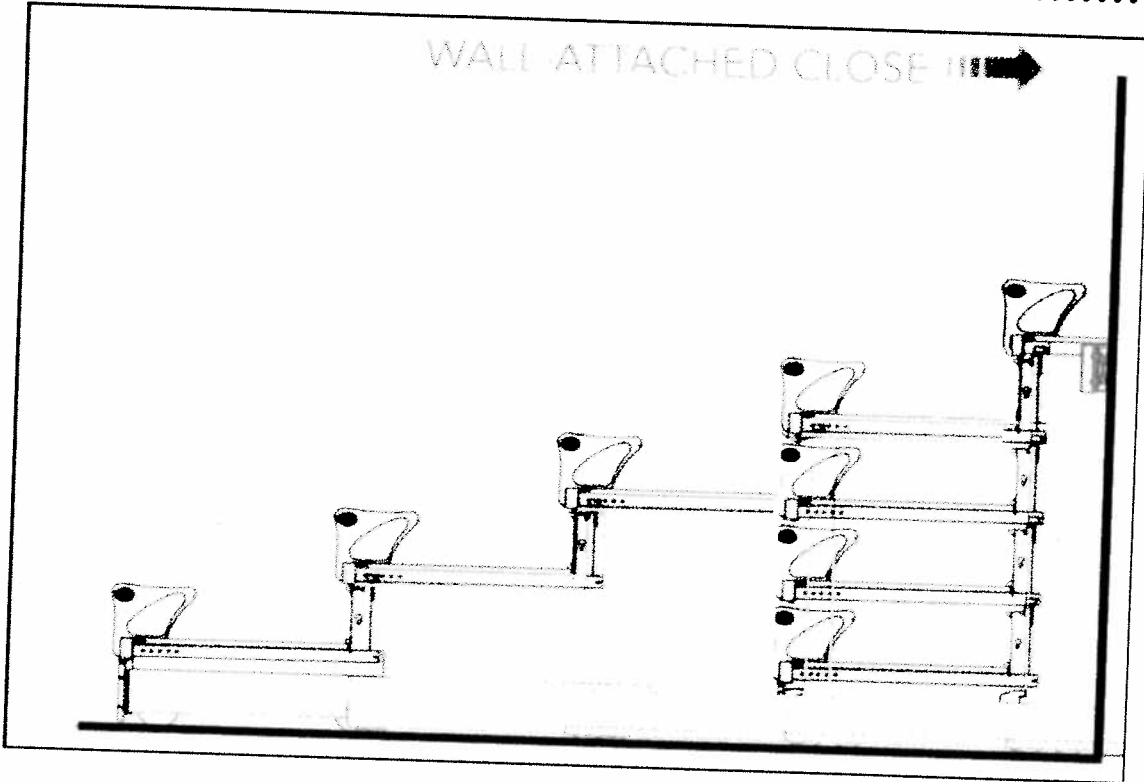
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**Rosarian Academy**  
**Gymnasium Classroom Expansion**  
 807 North Flamingo Drive West Palm Beach, Florida 33401

STM Architectural Group, Inc.  
 305 NORTH FLAMINGO DRIVE, SUITE 1400  
 WEST PALM BEACH, FLORIDA 33411-6339

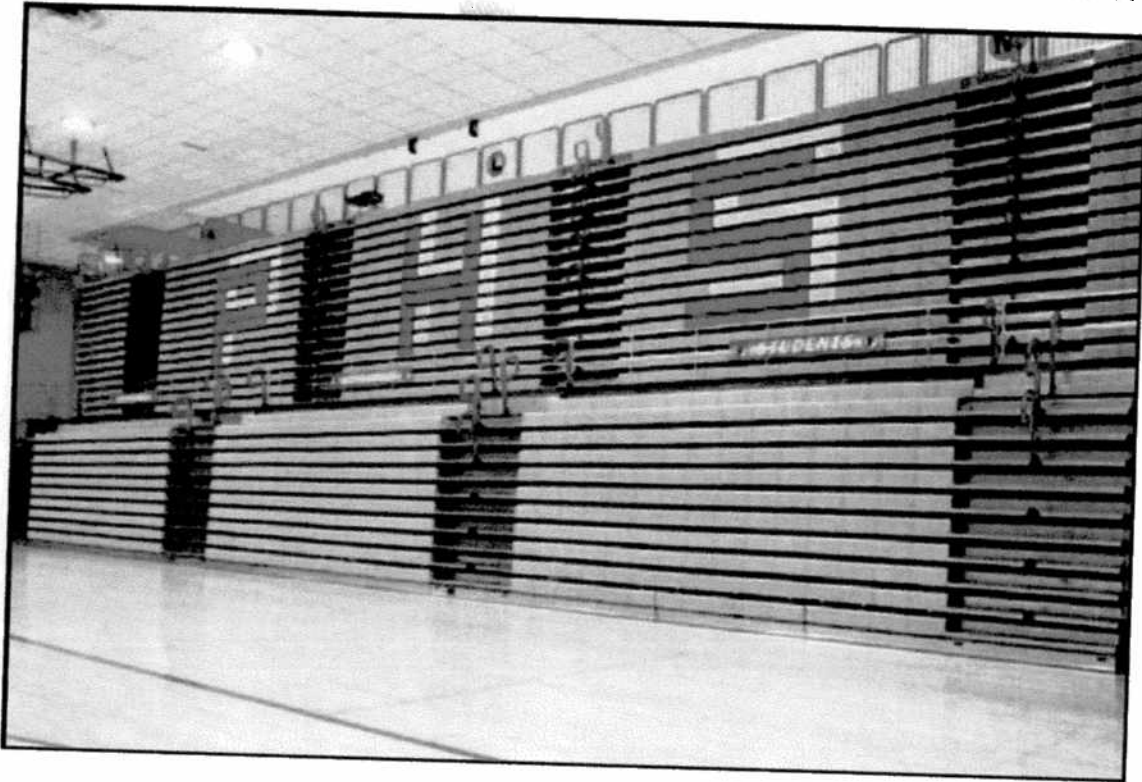


Rosarian Academy  
West Palm Beach, Florida



# Rosarian Academy

West Palm Beach, Florida



Rogers High School • Toledo, OH