

CITY OF WESTON – WESTON LIBRARY PARK

Issue: Vertical accessibility to all rows of seats in three park shelters.

Analysis: The applicant is requesting a waiver from providing vertical accessibility to all tiers of seating in three shelters located in a passive park. The small shelter with one row of seats will house 10 people; the medium shelter will provide seating for 21 people in two rows; and, the third will have seating for 50 people using three tiers. This is a new project costing \$2,074,500, and the applicant indicates it is unreasonable, unnecessary and an extreme hardship to make all rows accessible in a small project. Providing accessible seating was considered during the project design and has been dispersed among the seating levels, but not to each tier.

Project Progress:

The project is under construction.

Items to be Waived:

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

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: City of Weston – Weston Library Park

Address: 4255 Bonaventure Blvd - Weston, 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: Larry M. Schneider, AIA

Applicant's Address: 9319 NW 48 Doral Terrace, Miami, Florida 33178

Applicant's Telephone: 786-336-1984 **FAX:** 786-336-1985

Applicant's E-mail Address: Larry@LMSArch.net


Relationship to Owner: Accessibility Consultant

Owner's Name: Mr. Jeffery Skidmore – Assistant City Manager/Chief Operating Officer

Owner's Address: 17200 Royal Palm Beach Boulevard, Weston, Florida 33326

Owner's Telephone: 954-3894321 **FAX** 954-3895430

Owner's E-mail Address: jskidmore@westonfl.org

Signature of Owner: 

Contact Person: Mr. Jeffery Skidmore – Assistant City Manager/Chief Operating Officer

Contact Person's Telephone: 954-3894321 **E-mail Address:** jskidmore@westonfl.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 project is the construction of a passive park that will have within its boundaries three shelters – small, medium, and large which will have tiered seating within the medium and large shelter areas. The small shelter has one row of seating. The medium sized shelter will have two rows of seating and the large shelter will have three rows of seating. The small shelter will provide seating for 10 people. The medium shelter will provide seating for 21 people. The large shelter will provide seating for 50 people.

5. Project Construction Cost (Provide cost for new construction, the addition or the alteration): \$ 2,074,500

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.

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

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.

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 the 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 (two and three rows of seating in a parks setting under a shelter) 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 tiered seating shall be made accessible. 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 City of Weston is aware of the specific requirements of the FACBC and the concerns of the Accessibility Advisory Council on this issue. The concern of the City is to strike a balance between the desires of the Council, the Commission and the construction process. It is financial impracticable to provide vertical accessibility to EACH level of a tiered seating venue at this small scale. With this in mind the City has reviewed design concepts for providing accessible seating areas and the proposed solution is cost effective for the use and design of this type of small venue tiered seating. Accessible seating is being provided and disbursed among the tiered seating areas and it will provide accessible seating in a venue that addresses the concerns of the Council and responds to the needs of individuals with disabilities for this use. This project will comply with all of the other requirements of section 11-4.33 as it relates to this type of seating. 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 tiered type seating is a hardship on the City and is unreasonable for this style/size venue.

[X] 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.

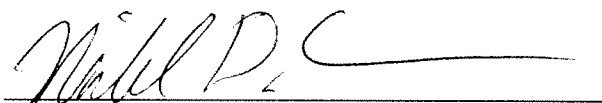
9. **Provide documented cost estimates for each portion of the waiver request and identify any additional supporting data which may affect the cost estimates.** For example, for vertical accessibility, the lowest documented cost of an elevator, ramp, lift or other method of providing vertical accessibility should be provided, documented by quotations or bids from at least two vendors or contractors.

a. _____

b. _____

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 the 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 this project would qualify under an unreasonable, an extreme hardship and technically infeasible. We concur with the reasoning as so stated under item 8.



Signature

MICHAEL D. CONNER

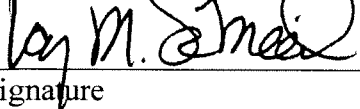
Printed Name

Phone number: (954) 266-6469
(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 2nd day of April, 2008



Signature

Larry M. Schneider AIA
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 - Waiver recommended on the advise of an accessibility consultant. The Building Official concurs and recommends acceptance and approval.
- b. To the best of my knowledge all information stipulated herein is true and accurate.
- c. The plans accompanying this application are the same as those submitted for building department review.

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

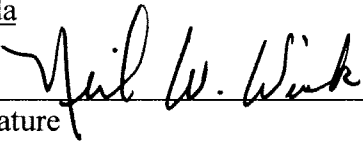
Yes No Cost of Construction The Library Park is currently under construction at a cost of \$2,074,500

Comments/Recommendation:

Providing vertical accessibility to all levels of tiered type seating seems unreasonable in consideration of the use, size, and style of this venue.

Jurisdiction: City of Weston, Florida

Building Official or Designee

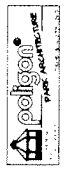
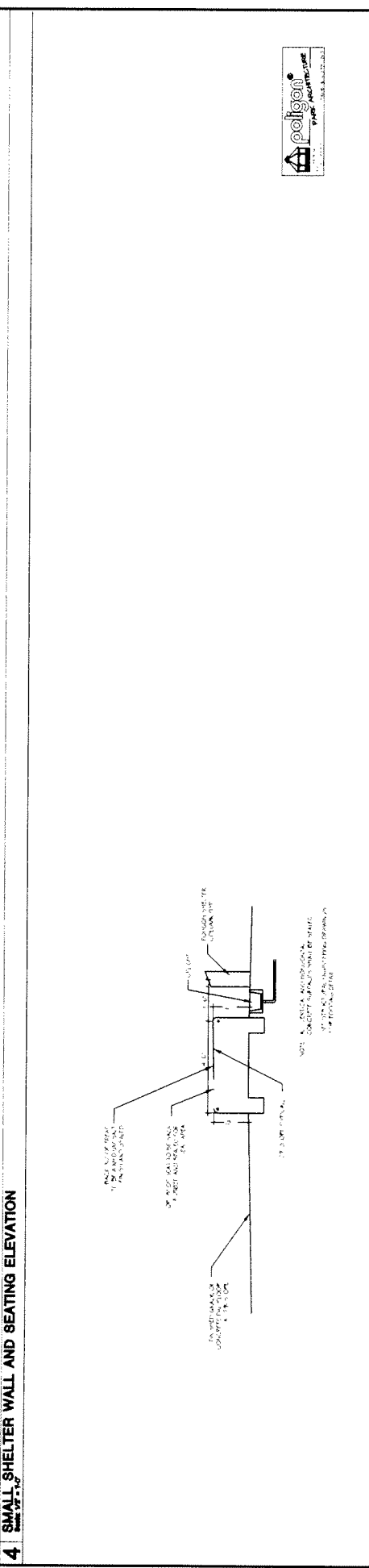
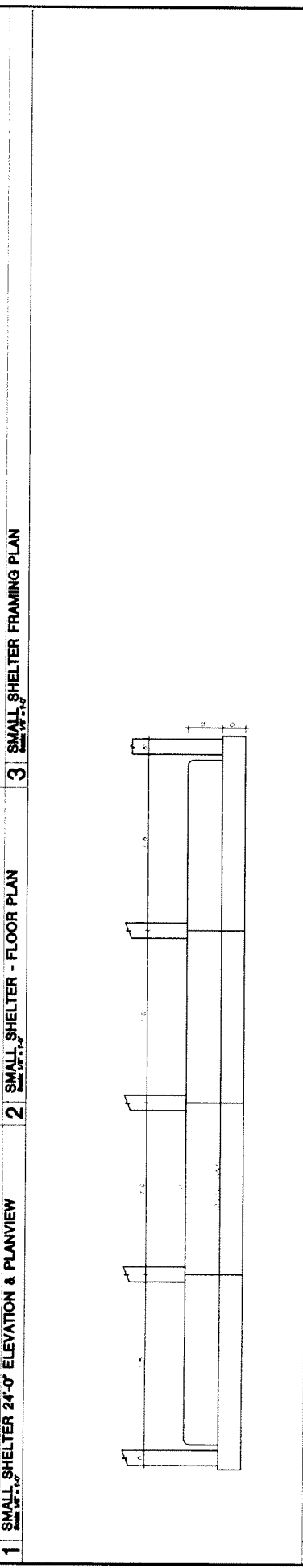
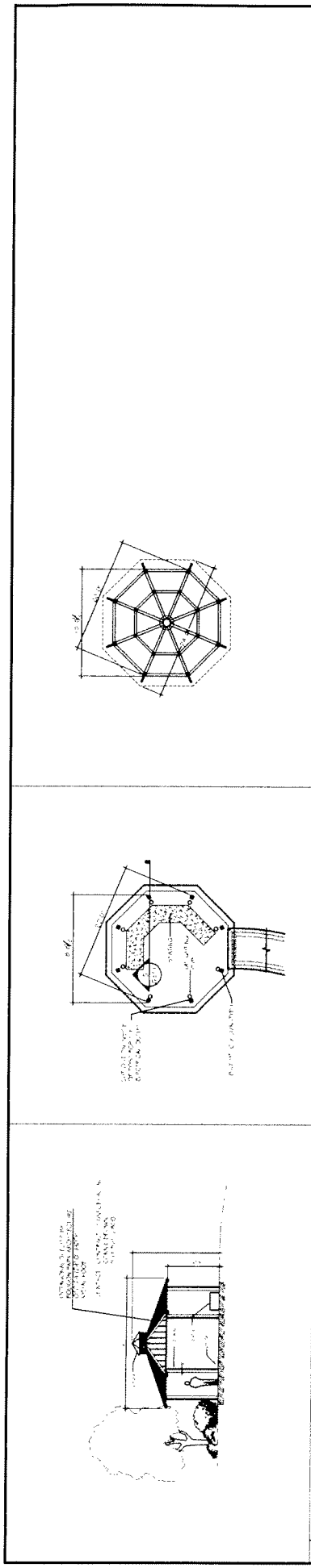

Signature

Neil W. Wink, Assistant Building Official
Printed Name

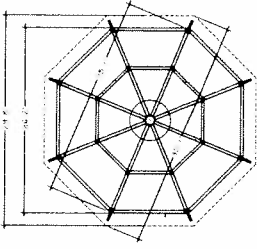
BU 0000406
Certification Number

(954) 385-0500 / (954) 888-9018
Telephone/FAX

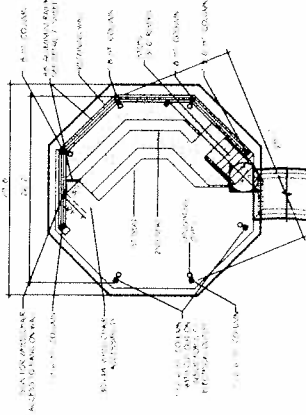
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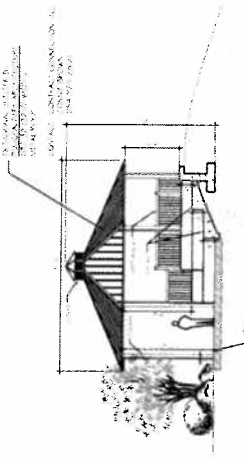
1 SMALL SHELTER 24'-0" ELEVATION & PLANVIEW <small>Scale: 1/8" = 1'-0"</small>		2 SMALL SHELTER - FLOOR PLAN <small>Scale: 1/8" = 1'-0"</small>		3 SMALL SHELTER FRAMING PLAN <small>Scale: 1/8" = 1'-0"</small>	
4 SMALL SHELTER WALL AND SEATING ELEVATION <small>Scale: 1/8" = 1'-0"</small>		5 SMALL SHELTER SECTION THRU SEATING <small>Scale: 1/8" = 1'-0"</small>		SITE PLAN GAZEBO DETAILS	
SHEET NO. 05-4990 DATE 11/20/16		PROJECT NO. 05-4990 DATE 11/20/16		DRAWN BY: [Name] CHECKED BY: [Name]	
PROJECT: CITY OF WESTON WESTON LIBRARY PARK WESTON, FL		CLIENT: CITY OF WESTON PROJECT NO. 0001141		SHEET: G311 OF: 02	



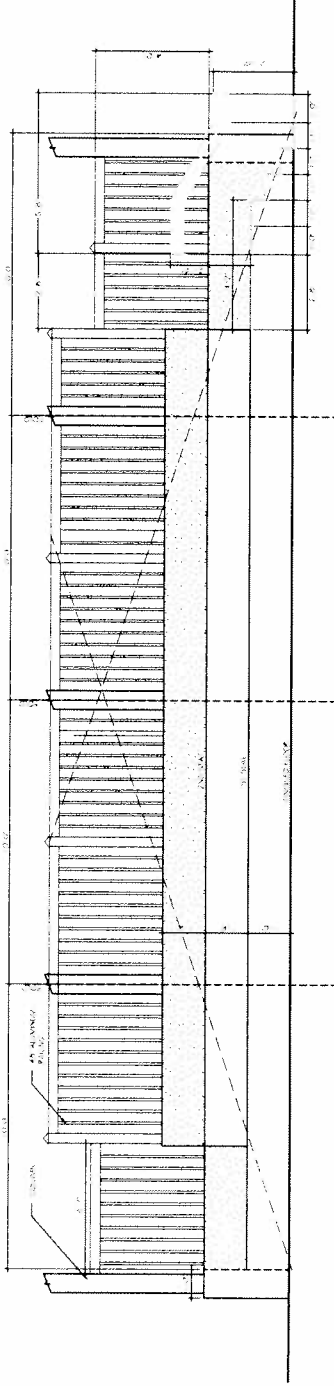
3 MEDIUM SHELTER FRAMING PLAN
DATE: 07-14-10



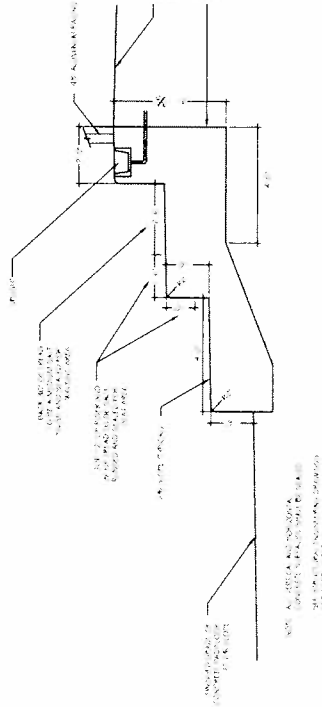
2 MEDIUM SHELTER - FLOOR PLAN
DATE: 07-14-10



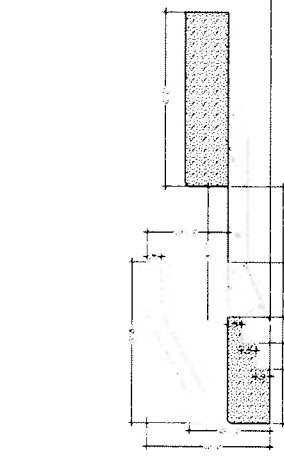
1 MEDIUM SHELTER ELEVATION / SECTION
DATE: 07-14-10



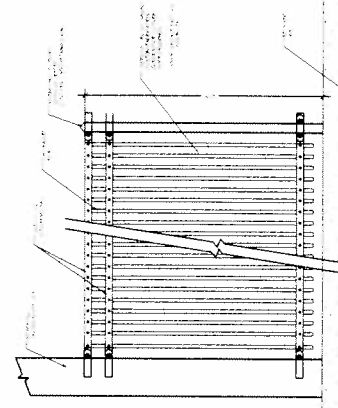
4 MEDIUM SHELTER WALL AND SEATING ELEVATION
DATE: 07-14-10



5 MEDIUM SHELTER SECTION THROUGH SEATING
DATE: 07-14-10



6 MEDIUM SHELTER SECTION THROUGH STEPS DET 2
DATE: 07-14-10



7 ALUMINUM GAZEBO RAILING
DATE: 07-14-10

NO.	DATE	BY	REVISION
1	7/14/10	AS	ISSUE FOR PERMIT
2	7/14/10	AS	ISSUE FOR PERMIT
3	7/14/10	AS	ISSUE FOR PERMIT



Cable, Glendale & Associates, Inc.
 Registered Professional Engineer
 License No. 11752-04
 State of Florida
 11752-04
 11/20/04

CITY OF WESTON
WESTON LIBRARY PARK
WESTON, FL

SITE PLAN
GAZEBO DETAILS

G312
 SCALE: AS SHOWN
 PROJECT NO. 05-4980
 DATE: 07-14-10

