

Indian River Networking

Issue: Vertical accessibility to the second floor.

Analysis: The applicant is requesting a waiver from providing vertical accessibility to the second floor of a commercial building. An estimate of \$109,082 for an elevator was submitted.

Project Progress:

This project is under design.

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.

Sellers, Chip

From: Eric Smith <eric.smith@indianrivernetworks.com>
Sent: Friday, May 04, 2012 8:31 AM
To: Bob Phoenix
Cc: Sellers, Chip
Subject: Re: Elevator 200 Ocean
Attachments: IRN Bldg. elevator addition 04-18-12.pdf

Bob,

I've called and left messages several times this week. I have also sent emails.

Chip says we need to provide plans for improvements that would justify a waiver.

As you know we as the tenant don't plan on making any changes or improvements.

My staff indicated and Chip mentioned that there may be firewalls put in, but Chip doesn't have these plans or proposals and neither do I.

Please let me know what I need to do to move forward here.

In my estimation it is the building owners responsibility to fullfull any ADA waiver requirements and not mine as the tenant, that said I am happy to get quotes to address the firewall issue if that helps the process move forward.

The last time we spoke you said that you wanted to contact the building owner with regard to these issues.

Please let me know where things stand.

Chip, I have attached the elevator quote here again as well for your files

On Mon, Apr 30, 2012 at 1:51 PM, Eric Smith <eric.smith@indianrivernetworks.com> wrote:
Hi Bob,

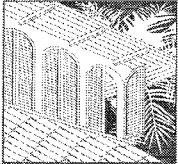
Chip Sellers called from the State and said the deadline is NLT Wednesday. please let me know what I need to do here

Thanks

On Fri, Apr 20, 2012 at 5:29 PM, Eric Smith <eric.smith@indianrivernetworks.com> wrote:
Bob,

Attached is the quote.

let me know what else you need from me on this



CAG Construction, Inc.

1250 W. EAU GALLIE BLVD. SUITE F
MELBOURNE, FLORIDA 32935
PHONE: 321-482-0148 OFFICE: 321-622-6900 FAX: 321-622-6901
CGC1514966

IRN OFFICE BLDG. ELEVATOR ADDITION MELBOURNE BEACH, FLORIDA DIVISION TRADE SUMMARY COST BREAKDOWN APRIL 19, 2012

MAJOR TRADE No.	MAJOR TRADE	CLARIFICATIONS	AC Area
--------------------	-------------	----------------	---------

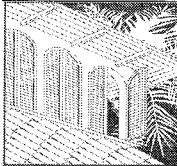
NOTES:

Overhead Includes: Office overhead, equipment, payroll, local and state taxes, insurance.
Field Staff/Equipment Includes: Superintendent, Job Overhead, Mobilization, Dumpster, Clean Up, Construction Management, Site Equipment, Dis-mobilization.

**** Architectural services are not included in this proposal. It will be \$4,700 which includes all the architectural, structural and MEP construction document drawings.**

- Note 1:** Demo or remove exist. overhang and exist. conc. Slab for future elevator.
- Note 2:** This price includes labor and materials for the reinforced pit floor, slab on grade for the equipment room including foundation and roof slab.
- Note 3:** This price is for labor and materials to build elevator shell with fill reinforced 8" cmu walls.
- Note 4:** This price is for labor and materials to install a hoist beam at the top of the hoistway designed for load capacity of 6,000 pounds.
- Note 5:** This price includes labor and materials for all the framing work such as roof trusses, roof deck and fascia.
- Note 6:** This price is for the roof conc. Tiles for the elevator. New tiles to match exist.
- Note 7:** This price is for the installation of (1) anodized galvanized single dr. for the equipment room.
- Note 8:** This price includes heavy duty grade hardware, hinges and installation.
- Note 9:** This price is for labor and materials for the new elevator construction only.
- Note 10:** This price includes prime and one coat of paint over the new elevator construction only, color to match exist.
- Note 11:** This price is an allowances for the new commercial elevator.
- Note 12:** This price is for the entire plumbing scope of work to be done at the pit.
- Note 13:** This price if for new exhaust fans for the equipment room to maintain room between 60 - 95 degree temperature.
- Note 14:** This price is for the entire electrical scope of work assuming the exist. electrical service is adequate for the new electrical load. New light fixtures, smoke detectors, fuse disconnect switch, cable and phone rough in are included in this price.

- *Contingency amount for concealed conditions is not part of this proposal.
- *Building department permitting and process fees are not included.
- *CAG Construction budget is based on Construction Document dwgs. sketches, ideas and wish list taken from the client. Bldg. department might request additional requirements or information to comply with 2007 building code.
- *CAG Construction shall supply all necessary labor, materials and equipment necessary for the required work.
- *All work shall be performed in a workmanlike manner by skilled workers and shall be carried out in such a way as to minimize any inconvenience to the occupants and tenants.



CAG Construction, Inc.

1250 W. EAU GALLIE BLVD. SUITE F
MELBOURNE, FLORIDA 32935
PHONE: 321-482-0148 OFFICE: 321-622-6900 FAX: 321-622-6901
CGC1514966

IRN OFFICE BLDG. ELEVATOR ADDITION MELBOURNE BEACH, FLORIDA DIVISION TRADE SUMMARY COST BREAKDOWN APRIL 19, 2012

MAJOR TRADE No.	MAJOR TRADE	CLARIFICATIONS	AC Area
01020	Overhead		\$650
01050	Field Staff / Equipment		\$1,530
02060	Building Demolition	See Note 1	\$380
03000	Concrete Work	See Note 2	\$3,048
04000	Exterior CMU Walls	See Note 3	\$15,730
05120	Structural Steel	See Note 4	\$2,100
06100	Rough Carpentry	See Note 5	\$1,383
07300	Roofing	See Note 6	\$840
07900	Joint Sealers		\$100
08200	Wood & Metal Doors	See Note 7	\$735
08700	Hardware	See Note 8	\$75
09220	Portland Cement Plaster	See Note 9	\$4,025
09900	Painting	See Note 10	\$1,266
11450	Equipment	See Note 11	\$55,000
15400	Plumbing	See Note 12	\$3,955
15500	HVAC	See Note 13	\$1,890
16020	Electrical Work	See Note 14	\$6,475
	Trade Total		\$99,182
	Construction Fee		\$9,900
	Total		\$109,082
	Cost/AC Area		

**REQUEST FOR WAIVER FROM ACCESSIBILITY REQUIREMENTS
CHAPTER 553, PART V, FLORIDA STATUTES**

Your application will be reviewed by the Accessibility Advisory Council and its recommendations will be presented to the 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: Indian River Networks, LLC - Eric Smith
Address: 200 Ocean Avenue, Suite 201
Melbourne Beach, FL 32951

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: Eric Smith

Applicant's Address: 401 Ocean Avenue, Suite 202
Melbourne Beach, FL 32951

Applicant's Telephone: 321-574-0453 FAX 321-549-0890

Applicant's E-mail Address: eric.smith@indianrivernetworks.com

Relationship to Owner: Leasing the space from owner

Owner's Name: Phyllis Zippi

Owner's Address: 200 Ocean Avenue, Melbourne Beach, FL 32951

Owner's Telephone: 321-254-9658 FAX _____

Owner's E-mail Address: pszippi@yahoo.com

Signature of Owner: Phyllis Zippi

Contact Person: _____

Contact Person's Telephone: _____ E-mail Address: _____

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.)

Two story building; 4,000 sqft, Floor 1;
3,300 sqft Floor 2; downstairs is retail
pharmacy; upstairs is three office suites;
1,100 sqft each.

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

N/A

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.

We would like to lease the space for our
office. We do not have a walk in clientele,
we go to our clients and also work remotely.

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

Issue

1: There is no elevator, I assume this is the reason we are required to seek a waiver.

Issue

2: _____

Issue

3: _____

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.

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.

- a. _____

- b. _____

- c. _____

10. Licensed Design Professional: Where a 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.

Signature Printed Name
Phone Number _____
(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 be the best of my knowledge true and correct.

Dated this 1 day of MARCH, 20 12

Eric Smith
Signature

ERIC SMITH
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. SEE ATTACHED
- b. _____
- 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 SEE ATTACHED

Jurisdiction TOWN OF MELBOURNE BEACH, FLORIDA

Building Official or Designee [Signature]
Signature

ROBERT J. PHENIX
Printed Name

BU1397
Certification Number

321-724-5860/321-984-8984
Telephone/FAX

Address 507 OCEAN AVE MELBOURNE BEACH FL

LIST OF REQUIRED INFORMATION:

1. _____ Drawings that will clearly present your project and that identify the issue(s) that relate to the waiver you are requesting. As a minimum, the following drawings must be submitted:
 - a. Project site plan
 - b. 24" x 36" minimum size drawings
 - c. Building/project sections (if necessary to assist in understanding the waiver request)
 - d. Enlarged floor plan(s) of the area in question
2. _____ One set of reduced scale (11" x 17") versions of the drawings submitted in item one above.
3. _____ One set of overhead transparencies (8-1/2" x 11") of the drawings submitted in item one above. When numerous features are shown on the drawings, please designate the location of the waiver items by highlighting or outlining in color the affected areas.
4. _____ When substantial financial cost of compliance is alleged, supporting cost estimates with quotes from at least two vendors or contractors and catalog information.
5. _____ If you feel photographs and/or renderings are necessary for your presentation, provide 40 legible color photocopies of the photographs and/or renderings. If color photocopies of photographs are provided, use a minimum size of 4" x 6" photographs with a maximum of two photographs per photocopied page.
6. _____ Please submit a hard copy of this application to the Department of Community Affairs, as well as a copy of the application on a 3.5 floppy disk in PC format. PLEASE NOTE: Do not submit drawings or plans on the disk.

General Information:

- a. **Equipment:** An overhead projector is provided at the presentation; any other equipment necessary for your presentation, such as TV/VCR, slide or LCD projectors, etc., is the responsibility of the applicant.
- b. **Verbal Descriptions:** Presentations may be to sight or hearing impaired persons; visual presentations should consider adequate verbal and text descriptions of charts and pictures.

Your application will be reviewed by the Accessibility Advisory Council. You will have the opportunity to answer questions and/or make a short presentation **not to exceed 15 minutes**. The Council will provide recommendations to the Florida Building Commission. The Commission will review the application. You will have another opportunity to answer questions and/or give a short presentation **not to exceed 15 minutes**. The Commission will consider all information and the Council's recommendation before voting on the waiver.

This application is available in alternate formats upon request.



TOWN OF MELBOURNE BEACH

BREVARD COUNTY'S OLDEST BEACH COMMUNITY ESTABLISHED 1883

March 1, 2012

RE: Waver Application, Mr. Eric Smith, Indian River Networking, Proposed location -
200 Ocean Ave Ste. 201, Melbourne Beach, FL 32951

To whom it may concern,

Response and supplementary information to a request for waiver from Accessibility requirements of Chapter 553, Part V, Florida statutes;

The local building code authority would like to submit the following as part of the waiver request by Mr. Eric Smith.

Background;

Mr. Smith is a small business owner of the Town of Melbourne Beach. He wishes to relocate his business from one area of the Town to another. This move is both esthetic and economically beneficial to Mr. Smith.

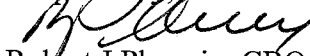
The new location for Mr. Smith's business is proposed to be in a second floor of a commercial building that was permitted and built prior to the 1990 ADA and therefore ADA requirements were not in place at the time of construction.

The building has not undergone any improvement that would be considered "substantial" and therefore there have been no requirement to bring the building up to the current code for accessibility.

To order accessibility improvements, which meet the current Code, on this building, would place an undue hardship both the building's owner and the tenant, Mr. Smith.

Therefore I am submitting the following comments as part of the application for consideration.

Respectfully


Robert J Phoenix, CBO BU1397
Building Official – Town of Melbourne Beach

Review and Recommendation by the local building department:

This issue is being referred to the Florida Building Commission with a recommendation for disposition because the requirements of accessibility cannot be met without undue financial hardship on the part of the building owner, or the applicant who would be required to make said improvements for use of that portion the building that he intends to occupy.

Comments/Recommendations;

Applicant proposes to create working space in a non-accessible building. The business shall have less than ten (10) employees and provides no direct service to the public. All service shall be provided at offsite customer locations.

Applicant acknowledges that a reasonable accommodation must be provided in the event that a need arises, to provide accommodation to an employee who may be hired and who has a covered disability.

The local authority has elected to defer the decision making process to the Florida Building Commission, but does not object to the applicant's request for waiver.