

## Vystar ATM - 767 S. Nova Road - Tomoka Plaza WAV #156

**Issue:** Pedestrian access to a public sidewalk.

**Analysis:** The applicant is requesting a waiver from providing pedestrian access to a public sidewalk. They are putting in a new ATM kiosk in the corner of a shopping center and a new ADA parking spot with a cost of \$20,000.00. The existing FDOT sidewalk is several feet higher than the kiosk and restricted access by a handrail. The hardship is caused by a condition or set of conditions affecting the owner which does not affect owners in general.

**Uploaded Documents:**

1. Licensed Design Professional: Seal
2. Owner Authorization
3. Plans

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

**Building Official Comment:**

Mr. Sellers:

Thank you for the opportunity to provide comment. I spoke with the City Chief Building Official and Development Review Engineer regarding this topic. Our conversation focused on the fact that a stand-alone ATM is a different type of use than City staff is use to seeing. Staff concurs that there is a significant grade difference from Nova Road which was re-built/expanded by the state Department of Transportation making a connection to the public sidewalk very difficult. City staff does not object to the waiver request, although staff is not familiar with the criteria that the applicant is required to meet to obtain a waiver.

Thank you

Steven

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**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.