

**FLORIDA BUILDING COMMISSION  
ACCESSIBILITY ADVISORY COUNCIL**  
WEB URL <https://global.gotomeeting.com/join/735124733>  
AUDIO: DIAL-IN NUMBER 1-877-568-4106  
CONFERENCE CODE: 735-124-733  
April 3, 2019  
2:00 P.M.

**ACCESSIBILITY ADVISORY COUNCIL PRESENT:**

Paul Martell  
Joe Del Vecchio  
Darlene Laibl-Crowe  
Paul Viksne

Beth Meyer  
Allison Klein  
James Woolyhand

**ACCESSIBILITY ADVISORY COUNCIL NOT PRESENT:**

**STAFF PRESENT:**

Mo Madani  
Chip Sellers  
Jim Hammers  
Marlita Peters

Thomas Campbell  
Justin Vogel  
Chris Howell

**Welcome:**

**Time: 2:00 p.m.**

Ms. Peters welcomed everyone to the meeting of the Accessibility Advisory Council.

**Roll Call:**

Ms. Peters performed roll call for the Accessibility Advisory Council. A quorum was determined with 6 members present on the call.

**Agenda Approval:**

Mr. Del Vecchio entered a motion to accept the agenda as posted. Ms. Meyer seconded the motion. The motion passed unanimously with a vote of 6 to 0.

**Approval of Minutes February 6, 2019:**

Ms. Meyer entered a motion to approve the minutes from February 6, 2019 as posted. Mr. Viksne seconded the motion. The motion passed unanimously with a vote of 6 to 0.

Ms. Laibl-Crowe joined the call after phone issues, bringing quorum to 7 members.

**Accessibility Waivers:**

**Jason St-Fleur, Esq. – Waiver 368 - 152 NE 167 Street, Suite 300, North Miami Beach 33162 - Issue: Vertical accessibility to the second floor:**

Mr. St. Fleur provided detail on the waiver request.

Mr. Sellers presented the staff analysis and advised staff recommends granting the request for waiver for vertical accessibility to the extent it has been made necessary.

**Council Comments:**

Mr. Martel asked the applicant questions on the number of units. In addition, he asked about the historical nature of the other buildings. Mr. Martel asked if the ADA requirements have been met for the first floors.

Mr. St. Fleur advised this request is only for building 2 as it is the historical building. He stated they have met guidelines for the first floor.

**Accessibility Waivers (cont.):**

**Council Comments (cont.):**

Mr. Del Vecchio asked what was required by the building department.

Mr. St. Fleur responded with the requirements from the city and advised they were met.

Mr. Del Vecchio stated that the waiver indicated this was a residence to a boutique hotel and was there mention of requirements for the change of use. He asked why he would take this project not knowing if the project would be given a certificate of occupancy.

Mr. Madani stated that the Council needs to stay with the scope of the request on this waiver and vertical accessibility. He further advised that other issues are out of the scope for this request and the Council needs to address the waiver specifics to vertical accessibility only as we do not have the authority to address other accessibility issues.

Mr. Martel asked for clarification on the prior construction monies spent and if 20% was used on accessibility on the ground floors.

Mr. St. Fleur stated yes.

Mr. Martel requested to know if staff sends anyone out to make sure the information provided as presented and correct.

Mr. Madani advised no that is under the local jurisdiction authority as the Commission nor staff have the authority to make such determination.

Mr. Sellers explained that the final orders are sent to the local jurisdictions. He also advised that this request could be made by the building department after the fact.

Mr. Martel stated there should be follow-up provided that shows if the applicant met the requirements

Mr. Madani stated that information on the application is what the staff would use for making the determination. He also explained that when the renovations were completed the building was a residence and did not fall under the scope of the Florida accessibility code; this did not change until there was an alteration due to the change of occupancy.

Mr. Martel advised he would like to see documentation provided that would show the events and time line of occupancy change.

Mr. Viksne entered a motion to recommend granting the waiver based to the extent it has been made necessary. Ms. Laibl-Crowe seconded the motion.

A roll call vote was conducted.

Joe Del Vecchio	No
Jim Woolyhand	No
Beth Meyer	No
Paul Martel	No
Darlene Laibl-Crowe	No
Paul Viksne	Yes
Jim Woolyhand	No
Allison Klein	No

The motion failed with a vote of 6 against and 1 in favor.

Justin Vogel, Esq. Commission's legal counsel advised the group that they can request the Commission deny the waiver or they can request that it be deferred and be specific on exactly what information would be required to re-consider the application.

Mr. Martel stated the money spent already has the building been brought into compliance as feasible with certified documentation showing this compliance.

Mr. St. Fleur explained the renovations were completed in 2015 and at that time it was a residence, now it will be commercial creating the need for the waiver due to change of occupancy.

Mr. Madani did advise the applicant that the historical significance documentation is required from the Department of State.

Mr. Martel entered a motion to defer the application for further information. Ms. Meyer seconded the motion stating the Council requests this additional information due to the fact the cost of prior renovations were included in the waiver application. The motion passed unanimously with a vote of 7 to 0.

Mr. Vogel advised Mr. St. Fleur that this is a recommendation to the Commission. He advised this will be before the Commission at their April meeting and if he would like to provide further statements he may do so at that time.

**Ultrafast Systems – Waiver 303 - 8330 Consumer Court, Sarasota 34240 - Issue: Vertical accessibility to the second floor:**

Mr. Sellers presented the staff analysis and recommendation granting the request for waiver for vertical accessibility on the grounds of technical infeasibility. He then advised of an e-mail received from the building department stating there could be limited use limited application elevators installed and is on the phone line to provide further information.

Jon Moore, Architect provided a brief summary and history of this business and the need for this waiver.

Kathy Croteau, Building Official, Sarasota County provided information on the original renovation of the first floor advised that CO was issued in January of this year. She stated the County feels this 2<sup>nd</sup> floor renovation should be required to install vertical accessibility.

Mr. Martel and Ms. Laibl-Crowe stated that there is a need for documentation from the Industrial Complex association showing in the by-laws there can be no exterior additions to the existing buildings.

Mr. Martel entered a motion to deny the waiver. Mr. Del Vecchio seconded the motion. The motion passed unanimously with a vote of 7 to 0.

**Zayco Offices – Waiver 366 - 2523 Hershel Street, Jacksonville 32204 - Issue: Vertical accessibility to the second floor:**

Mr. Sellers presented the staff analysis and recommendation granting the request for waiver for vertical accessibility on the grounds of economic hardship.

Mr. Martel requested to know what type of medical facility this will become.

Mr. Madani advised that it is not within our scope to look at the type of facility this will become but to look at the presented facts for the waiver and this is clearly over the 20% threshold.

Mr. Vogel advised the Council that the rule is clear that the Commission shall grant the waiver when the applicant is over the 20% threshold and request is at 97%, so they can still defer and request the information, however there is a mandate for the Commission to approve.

Mr. Del Vecchio stated he still felt there was a need to know what type of medicine would be practiced there.

Mr. Martel stated this still should be considered as a whole this information is needed to make a clear determination. He feels there needs to be someone present to advise what type of medical practice will be in the building.

Mr. Martel entered a motion defer and request the petitioner to provide the requested information to the Council on what type of medical practice will be in the building. Mr. Del Vecchio seconded the motion. The motion passed unanimously with a vote of 7 to 0.

**Additional Council Comments and Recommendations:**

Mr. Martel said the more information they can get the better and that we should relay this.

Mr. Del Vecchio asked for a meeting just for the Council to ask questions and understand better the process and the boundaries.

Mr. Campbell stated it can be on the agenda for the next meeting.

Mr. Del Vecchio stated he wants one separately without public.

Mr. Campbell advised that the staff will work on getting something put together, but the meeting has to be noticed and must be open to the public.

Mr. Madani stated he will bring back the power point presentation that has been presented several times.

Mr. Martel said he wants the Counsel to have documentation of the Commission's final decisions and that staff be required to send that to the members.

**Final Roll Call:**

Ms. Peters performed a final roll call and the 7 original members were remaining on the line.

**Adjournment:**

There being no further business before the Council, the meeting was adjourned at 3:03 p.m.

**Post Meeting - Additional Recommendation:**

Ms. Laibl-Crowe was unable provide her recommendation as her phone lines had interference; an e-mail was received when the meeting ended with the following:

Develop an Accessibility Checklist that addresses all of the disabilities within the ADA. For example, mobility, hearing, vision and etc...

The checklist can be used to ensure that all areas have been considered by the applicant. It would mean that they would have write in detail as to why an item wasn't considered.