RIVER GRILLE RESTAURANT

Issue: Vertical accessibility from a boat dock to an exterior deck.

Analysis: The applicant is requesting a waiver from providing vertical accessibility from a boat dock used by restaurant patrons to the outdoor dining deck of the restaurant. Because of the terrain, the only feasible method of providing access would be to install an exterior lift, which is estimated to cost \$66,000. The restaurant was constructed in 2003 at a cost of \$1,254.072. The docks were renovated under a permit from the Department f Environmental Regulation and the local building department indicated further alterations must be done to make the boat docks accessible. According to the applicant, all other facilities associated with the restaurant are fully accessible and it is not necessary to approach the building by rivercraft to dine at the facility.

Project Progress:

The project is in plan review.

Items to be Waived:

Vertical accessibility to the deck as required by Section 553.509, Florida Statutes.

- 553.509 Vertical a ccessibility. 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:
 - 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.

This application is available in alternate formats upon request.

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: RiverGrille Restaurant
Address: 950 N. US Highway 1
Ormond Beach, FL 32174
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: Edward Schwarz
Applicant's Address: 1042 N. US Highway 1, Ste 11, Ormond Beach, FL 32174
Applicant's Telephone: (386)405-7388 FAX: (386)672-8519
Applicant's E-mail Address: TomokaEd@aol.com
Relationship to Owner:
Owner's Name: Edward Schwarz
Owner's Address: same
Owner's Telephone: same FAX: same
Owner's E-mail Address: same Signature of Owner: Contact Person: Edward Schwarz
Contact Person's Telephone: (386)405-7388 E-mail Address: TomokaEd@aol.com

This application is available in alternate formats upon request. Form No. 2001-01 3. Please check one of the following:
[] New construction.
[x] 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.)
Restaruant - +/-6,500 SF / Single Floor / Built 2004 - Indoor / Outdoor Seating
5. Project Construction Cost (Provide cost for new construction, the addition or the alteration):
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*
[x] In Plan Review [] Completed*
* Briefly explain why the request has now been referred to the Commission.
Completed DEP Permitting on Docks - Under strict timelines to complete construction
Waiver required for bank walkover only by local officials. Our permit from DEP was
Based upon a renovation of existing docks.

7. Requirements requested to be waived. Please reference the applicable section of Florida aw. Only Florida-specific accessibility requirements may be waived.
ssue
: Inclined platform lift at a cost of \$41,000 plus \$25,000 for retrofit by GC to accommodate_
apparatus. Outside exposure and threat of vandalism means additional maintenance concerns.
ssue
:_Vertical lift from water to deck(see attached) requires additional walkways to docks
impacting environmental corridor, removal of trees, in violation of City's Development Order_
Outside exposure and trheat of vandalism means additional maintenance issues.
ssue
: Accessibility ramping from outside rear deck to docks requires +/-350' of switchback ramping
and related platforms, replacement of planned design, would require additional tree removal and
ite work in violation to City's Development Order.
3. 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 walkway down to the docks are for the purpose to board and exit small boating craft and
anoes allowed in waterway. Handicap accessibility is limited to boats which are handicap
accessible. How can we be assured boarding and departing watercraft is in proper order?
Seasonal use of docks and limits dock use. Plenty of other areas on exterior decks that are
nandicap accessible.

[x] Substantial financial costs will be incurred by the owner if the waiver is denied.
Initial cost plus maintenance vs. practical use by boaters is substantial. This area is outside of
main dining areas and does not effect a true restaurant experience that RiverGrille offers. This is
an accessory or recreational use which is not a part of the restaurant experience.
[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.
We take pride in the fact that, other than docks, our restaurant is 100% accessible to all our patrons. We are sympathetic to the needs of our handicapped patrons which is reflective throughout our restaurant. It is not necessary to arrive by watercraft to have a RiverGrille Restaurant experience. (See Pictures)
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. See attached quotes – Please note, we were not able to identify another vender for outside lifts.
Companies which we contacted either directed us to Accessibility Lifts, Inc., or could not help
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. SEE ATTACHED PLANS AND STATEMENT
Signature Printed Name
Phone number
(SEAL)

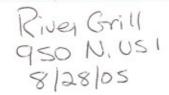
CERTIFICATION OF APPLICANT:

Florida Statutes.

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 ST day of SEPTEMBER	, 20 05
Ed Prhuarz	
Signature	
EDWARD L. SCHWARZ	
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,



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.

The original project site plan indicated an accessible route to existing boat dock at river. The construction of an accessible ramp and related platforms would require tree removal and site work that would violate the City's development order #2002-92R for this project.

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

[x] Yes [] No Cost of Construction: \$ 1,254,072 in 2003 New Restaurant

Comments/Recommendation: The City feels equal facilitation is afforded on the exterior decks of the building. Adding accessible routes to the remote and limited use dock area, will be problematic due to the steep terrain. The new restaurant was designed and constructed to the 2001 FBC and affords all the required accessibility standards.

	Jurisdiction : City of Ormond Beach
1	Building Official or Designee Milhal & Dance
	Signature
	Michael L Garrett
	Printed Name
	PBC 239
	Certification Number
	386-676-3350 FAX: 386-676-3361
	Telephone/FAX
	email: garrett@ormondbeach.org
	Address: 22 South Beach Street, Ormond Beach, Florida 32174

Form No.: 2001-02, Page 1 of 2

Certification of Licensed Design Professional for Replicated Designs to be Placed on Consent Agenda

Building Official City of Ormond beach, FL

Re:

River grille Accessibility Lift Structural Comments

To Whom it may concern::

The structure, if required, would require major structural modifications to be able to sustain the imposed loadings of the Accessibility Lift. The estimated costs to sustain these loadings is \$25,000.00

Therefore, a waiver should be granted for the following reasons:

- 1 It is unreasonable to accommodate handicap for the boating public
- The cost and maintenance versus the practicability of use is certainly not acceptable.

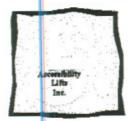
If you have any questions, or if I can be of any further assistance, please call to arrange a meeting to discuss any further questions you might have regarding this project.

Respectfully yours,

John P. Simko, S.E., P.E., S.I., M.S.

Structural Engineer

.Fl. Reg # 30122; SI # 2029



2784 Wrights Rd, Suite 1032 Oviedo, FL 32765 Ph: 407-971-2507 Fx: 407-971-1618 www.accessibilitylifts.com

ACCESSIBILITY LIFTS, INC.

PROPOSAL & SALES AGREEMENT

DATE: 6-1-05

ATTN: Ed Schwarz

Accessibility Lifts, Inc. respectfully submits the following proposal to furnish and install:

EQUIPMENT: Wheelchair Lift for The River Grill

Options for accessibility to water:

#1 -Upper Level - Vertical lifts from water to deck.

One, GVL-EN 144 vertical platform lift with travel to 12', screw drive, straight thru platform, steel enclosure by manufacturer with plexiglass door at lower level, plexiglass gate at upper level, call send controls, manual lowering device, emergency stop switch. \$19.880

Options-

Plexiglass Enclosure, add \$1,100

Hydraulic Drive, add \$1,000 (Allows unit to operate in case of power failure)

Above unit, without plexiglass or metal enclosure installed in a shaft by others, deduct \$2,400. (\$17,480 with enclosure by GC)

Lower Level

One, Opal vertical platform lift with travel to 60", straight thru platform, screw drive, gate on car and gate at upper level, call send controls, auto fold ramp, emergency

lowering device. \$11,880

#2 - Upper level Inclined Platform Lift

One Xpress II, straight run with travel to 6 meters (18 risers), handrail, custom rail assembly, tower mount, sideload platform, fold down seat, auto fold, curved arms, outdoor unit \$22,000

Lower level

One, Xpress II, straight run with travel to 2 meters (6 risers), tower mount, custom rail, handrail, sideload platform, fold down seat, auto fold, outdoor unit. \$19,000

PRICE: (Includes material, shipping, installation, permitting and inspection by the Department of Elevator Safety)

Florida's premier accessibility contractor for commercial A.D.A. and residential applications

Orlando - Tampa Bay - Jacksonville - Palm Beach - Miami Toll Free 888-326-5438

PROPOSAL

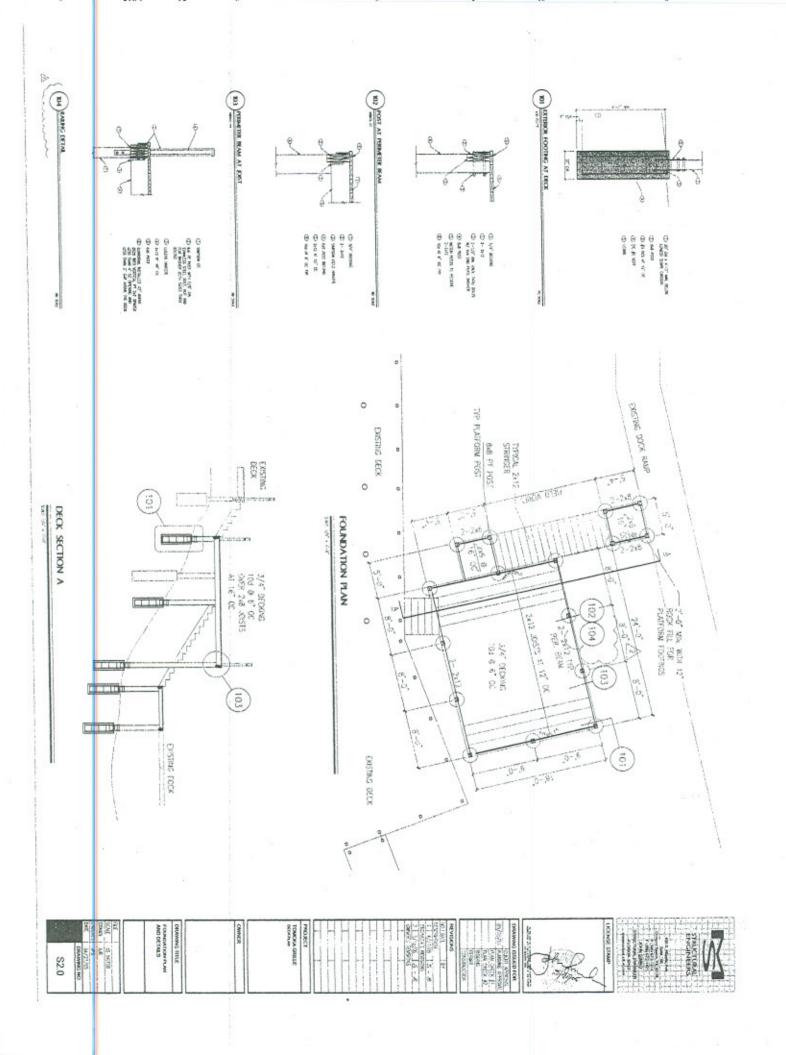
FROM: TOP NOTCH CONSTRUCTION 5928 COUNTY ROAD 209 SOUTH GREEN GOVE SPRINGS, FL 32043 (904) 219-0945

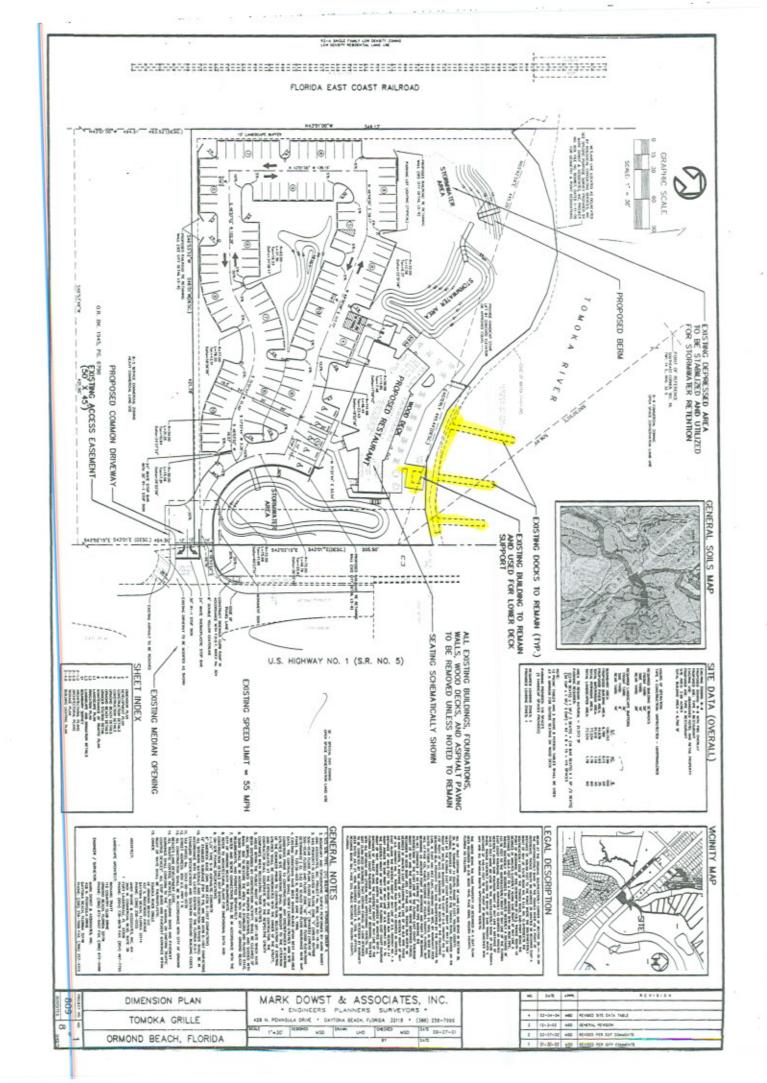
DITT DIOL -	
DATE: 8 6 05	1 WORK TO BE DESCRIPTION OF 0-1 1/4
Name	LC. WORK TO BE PERFOMED AT: 950 N. U.S.L
Street 1042 N. U.S.1 #11	Street Street
	City & RANOXID BCH. State FL.
City BRANCOND BCH.	Date of Plans 3 1 8
State FL.	REVISED 12-8 of
Telephone Number 386 671 1830	
	perform all the labor necessary for the completion of:
REPAIR & REPLACE EXISTING	
CONSTRUCT OBSERVATION DECK	& STAIRWAY FROM EXISTING DECK
TO THE DOCKS & WALKWAY.	
INCLUDES DEMOUTION AN	D REMOVAL OF EXISTING STRUCTUR
CONSTRUCTION TO BE ACCOR	DING TO PLANS AND SPECIFACATION
DRAWN AND SEALED BY COA	STAL WATERWAY SERVICES AND
JOHN SINCO PE.	
	The state of the s
All material is guaranteed to be as specified, and the	above work to be performed in accordance with the
drawings and / or specifications sybmitted for the all	bove work and completed in a substantial workmanlike
manner. Total Price: (10,60	0.00
Payments made as follows:	
TO BE DETERMINED -	
TYPICALLY 201/ WITH AGO	LEEMENT @ PERMITTING, 30%. WITH
MATERIAL DELIVERLY, 251/C	FRAMING COMPLETION, WITH BALANCE
Special Clause: DUE AT SUBSTANT	
Options:	
- •	-
Any alteration or deviation from above specification	s involving extra costs, will be executed only upon written
orders, and will become an extra charge over and at	pove the estimate. All agreements contingent upon strikes,
accidents or delays beyond our control. Owner to ca	arry fire, tornado and other necessary insurance upon above
work. Worker's Compensation and Public Liability	Insurance on above work to be taken out by Top Notch
Construction.	R. I (Toman
Respectfully submitted_	
Note - This proposal may be withdraw ACCEPTANCE OF	T P P P P P P P P P P P P P P P P P P P
	The actory and are hereby accepted. You are authorized to do
the work as specified. Payment will be made as outl	ined above.
91 De Hurus	Date Accepted: 3/15/05
Signature: A A MWW Z	

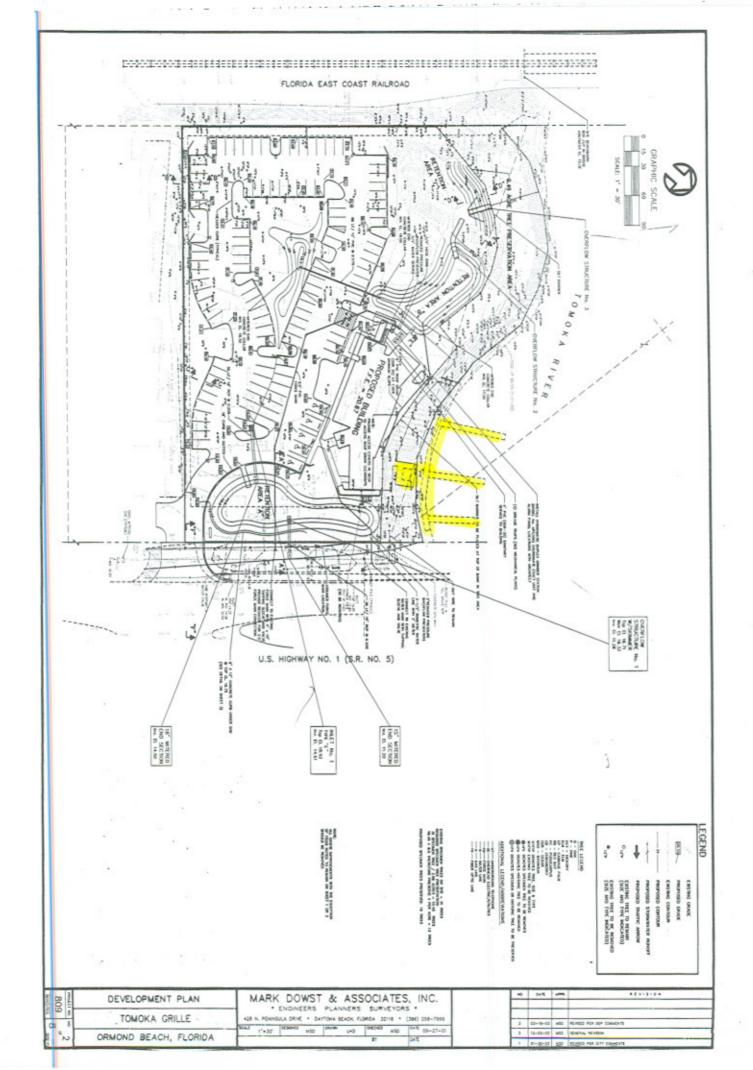
PROPOSAL

FROM: TOP NOTCH CONSTRUCTION 5928 COUNTY ROAD 209 SOUTH GREEN GOVE SPRINGS, FL 32043 (904) 219-0945

DATE: 8/24 05		
PROPOSAL SUBMITTED TO:	WORK TO BE PER	FOMED AT:
Name RIVERGRILLE, LLC.	Street	SAMAE
Street 950. N. U.S.L.	City	State
CITY ORMAND PEACH	Date of Pla	IS TO BE DRAWN
State FL.		
Telephone Number 386.671-1830		
We hereby propose to furnish all the materials and	perform all the labor nec	essary for the completion of:
	AL FEET OF	
AT REAR OF RESTAURAL	T. WIDTH TO B	E DETERMINIED BUT
FIGURED AT 4 WITH. V	ARIOUS HANDR	AILS AS NEEDED
PER PLANS. ALL TO COMP	W WITH CIT	GLOOMSPO 70 }
BEACH HANDICATP ACCESS	ABILITY CODE	5.
	4	
350 PT X 4FT - 1+00 SQ.	PT. @ 28/30.F	Τ
All material is guaranteed to be as specified, and th	e above work to be perfor	med in accordance with the
drawings and / or specifications submitted for the a manner. Total Prize: 39, 20	above work and completed	in a substantial workmanlike
	0.=	
Payments made as follows:	/	
Special Clause: THIS 15 A BAS	> DOODOCAL	ENOT A FINAL
CONTRACT. ESTIMATE	- UNI	TNU A FINAL
CONTRACT. ESTIMATE	THEY.	
Options:		
Options.		
Any alteration or deviation from above specificatio	ne involving extra socte as	ill be executed only upon written
orders, and will become an extra charge over and a		
accidents or delays beyond our control. Owner to a	carry fire, tornado and oth	er necessary insurance upon above
work. Worker's Compensation and Public Liabilit	y Insurance on above wor	k to be taken out by Top Notch
Construction. Respectfully submitted	R Ci-	-7
Note - This proposal may be withdraw		NA days.
ACCEPTANCE C		The
above prices, specifications and conditions are satis		
the work as specified. Payment will be made as out		The second second second
		Date Accepted:
Signature:		





















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