

North Trail RV Sales Center WAV# 69

Issue: Vertical accessibility to the mezzanine.

Analysis: The applicant is requesting a waiver from providing vertical accessibility to the mezzanine of a sales showroom. This is new construction with a total of 21,310 sqft with a cost of \$3.78 million dollars. The mezzanine storage is an unrelated storage area to the function of the sales center because it houses exchange items for new RV vehicles prior to purchase delivery. This is not a parts area of storage it is a parts exchange area of storage. The area is inaccessible to the public. The installation of the exchange part takes place off site. The ingress and egress of exchange parts to the exchange parts storage area is from the exterior of the building with a forklift and forklift bed through a sidewall mezzanine door opening. An estimate of \$45,600.00 was submitted for a lift and does not include any other required work to install the lift. The Florida Accessibility requirement places an un-due and costly burden on the Owner to construct an elevator by the owner if the waiver is denied.

Project Progress:

This project is in plan review.

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.

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Consideration of Accessibility Waiver Applications (cont.):

[North Trail RV Sales Center, 5270 Orange River Blvd., Ft Myers, FL](#) - Council recommended granting based on unnecessary hardship.

Commissioner Flanagan stated when he reviewed this he remembers seeing an elevator. He said in a 4 million dollar new construction, he cannot support this recommendation.

Commissioner Schock stated under their description he does take exception to the last sentence "Any authorized person requiring access to the storage area is required to be fully ambulatory and non-handicapped" well if that mezzanine is used for storage and only available to five or less employees, not different employees but the same employees then he thinks it falls under exception. He said however, it would be Title I he thinks and would require them not to make that last statement. Commissioner Schock stated if they hire a disabled person, then they have to provide the access. He said is this strictly storage and is it limited to five employees.

Ms. Hammonds said this question did not come up in the Council Meeting and this is one that does cause some concern as this new construction and they said there would be employees present, but did not clarify further.

Commissioner Meyer wanted to add language to add a lift.

Commissioner Dean stated there is a statement on the mezzanine drawing that the space never has more than five people to access.

Commissioner Schock entered a motion to defer for additional information requested by the Commission. Commissioner Schiffer seconded the motion. The motion to defer passed with a vote of 15 to 6.

Sales

