

Vero Millwork WAV #172

Issue: Vertical accessibility to the second floor.

Analysis: The applicant is requesting a waiver from providing vertical accessibility to the second floor. The project consists of an 1875 sf two story structure which will be built inside of the 14,400 sf portion of the warehouse at a cost of \$62,000. The total area of the building is about 30,800 square feet. The subject section will be used for a pre-hung door shop and its associated offices. The applicant has provided four quotes of \$44,250, \$62,828, \$51,650, and \$52,750 for the construction of an elevator for accessibility to the second floor. The applicant states that if the waiver is not granted the construction cost will triple depending on which company the applicant selects to construct the elevator. In the past 3 years a permit application for the construction of a firewall separating the tenants 14400 sf portion of the building from the owner occupied 16400 sf portion of the building at a cost of \$13,000 has been finalized and signed off on by the local building department. The applicant states that the 875 sf second floor is for estimating use only, will not be open to the public, and will only be occupied by three to four persons max. The applicant is requesting a waiver based on the substantial financial cost of providing accessibility to the second floor.

Uploaded Documents:

1. 4 Elevator Construction Cost Proposals
2. Letter from Licensed Design Professional
3. Construction and Site Plans
4. Firewall installation Permit NOC

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.