

## 22 Seminole Wavier #43

**Issue:** Vertical accessibility into the business, accessible parking and accessible bathrooms.

**Analysis:** The applicant is requesting a waiver from providing vertical accessibility into the business, accessible parking and accessible bathrooms. The building consists of a one story 1198 sf historic structure with documentation confirming its historic status. The project consists of painting the interior and exterior of the building as well as sanding and refinishing the interior wood floors. The applicant has provided a quote in the amount of \$5,950 for completion of this project. The applicant has also provided a quote of \$28,950 for compliance with all of the accessibility requirements. Attached to this application is a statement from the Local Building Official which states that he has no objection to the application for the handicap ramp exemption for 22 SE Seminole St, Stuart, FL 34994. According to the applicant's registered design professional, the nature of the owner's real estate business negates the need for accessibility at this site and that he will deal with personal accessibility issues as they present themselves. He also stated that the nature of the residence is very small and it would compromise the character of this historic structure to modify it to meet accessibility standards. The applicant is requesting a waiver based on the historic nature of this building and the substantial financial cost of compliance with all of the accessibility requirements.

### Uploaded Documents:

1. Accessibility Construction Cost Proposal
2. Letter from Licensed Design Professional
3. Existing Site/ Floor Plans
4. Site Plan with Accessible Parking
5. Email for Local Building Official
6. Historical Building Documentation
7. Responses to needs more information request
8. Photos of Property
9. Painting and Refinishing Cost Proposal

**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.

202.5 Alterations to Qualified Historic Buildings and Facilities. Alterations to a qualified historic building or facility shall comply with 202.3 and 202.4 to the maximum extent feasible.

**EXCEPTION:** Where the State Historic Preservation Officer or Advisory Council on Historic Preservation determines that compliance with the requirements for accessible routes, entrances, or toilet facilities would threaten or destroy the historic significance of the building or facility, the exceptions for alterations to qualified historic buildings or facilities for that element shall be permitted to apply.

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.