

Village Bier Garten Restaurant #188

Issue: The applicant is requesting a waiver from providing vertical accessibility to rooftop access of the kiosks.

Analysis: Village Bier Garten Restaurant is a restaurant which will be located in Cocoa Beach, Florida. The project consists of a construction of a new 3500 sf restaurant with seating inside of the restaurant and outside seating in the courtyard as well as three kiosk booths located around the perimeter of the courtyard. The total project construction cost for this new construction project is \$367,300.00 according to the proposals which were submitted with this application. A proposal for the installation of three vertical Platform lifts for compliance with vertical accessibility request has also been submitted at a cost of \$85,755.00. According to the applicant, the first floor of the restaurant will serve approximately 96 guests and the outside table seating will serve approximately 100 guests and these 200+ seats are fully accessible pursuant to accessibility requirements. Furthermore, the waiver is being requested only for the overflow seating on the rooftop access of the kiosks which will only be used if necessary. The applicant is seeking a waiver based on a hardship that is caused by a condition or set of conditions that do not affect owners in general.

Uploaded Documents:

1. 3 Vertical Platform Lift Construction Proposal
2. Building Floorplan Drawings
3. Kiosk Floorplan Drawings
4. Project Site Plan Drawing
5. 4 Kiosk Construction Proposals
6. Project Construction Cost Proposal

Project Progress: This project is currently 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.