

The Fontane WAV# 200

Issue: Vertical accessibility to the second and third floors.

Analysis: The Applicant is requesting a waiver from providing vertical accessibility to the second and third floors. This is an alteration to an existing three-story apartment building with a change of use to a hotel with 26,907 square feet. The Applicant is reconfiguring interior walls, replacing existing flooring, roofing, railing, cabinets and built ins, pool work, elevator, doors and windows, painting and relocating existing mechanical, electrical and plumbing. The applicant stated the first floor has two handicap accessible units with roll-in shower access and seven hearing impaired units more than required for a 43 unit building. Additionally, there is full access to all amenities offered to the general public. The General Contractor stated "due to the current structural design of the building and limited access to the units on the 2nd and 3rd level floors, it is my professional opinion that the property would have to be demolished and reconstructed in order to comply with ADA requirements on the upper level floors". The project construction budget for the alteration is \$731,000.00. An estimate for vertical accessibility was not submitted. The Applicant asserted the hardship is caused by a condition or set of conditions affecting the owner which does not affect the owners in general and substantial financial costs will be incurred by the owner if the waiver is denied.

Uploaded Documents:

1. Owner Authorization Letter
2. Licensed Design Professional
3. Plans and Pictures
4. Construction Cost

Project Progress: This project is under construction and an alteration.

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.