

## **AMERICAN HERITAGE SCHOOL**

**Issue:** Vertical accessibility to the pressbox.

**Analysis:** The applicant is requesting a waiver from providing vertical accessibility to a pressbox located above a bleacher system . It was previously permitted without an accessible pressbox, however the applicant was subsequently notified by the local building official that vertical access was also required to the pressbox. According to the applicant, fewer than five people use the area for a limited number of athletic events, and feels it is an unnecessary hardship to also provide access to the pressbox area. The project cost is \$49,165 , and the applicant submitted the contractor's cost estimate that it would cost \$25,840 to install a wheelchair lift and electrical system to the pressbox.

### **Project Progress:**

The project is under construction and in plan review.

### **Items to be Waived:**

Vertical accessibility to the pressbox, as required by Section 553.509, Florida Statutes.

553.509 V ertical accessibility. Nothing in Sections 553.501-553.513 or the guidelines shall be construed to relieve the owner of any building, structure or facility governed by those sections from the duty to provide vertical accessibility to all levels above and below the occupiable grade level regardless of whether the guidelines require an elevator to be installed in such building, structure or facility, except for:

- (1) Elevator pits, elevator penthouses, mechanical rooms, piping or equipment catwalks and automobile lubrication and maintenance pits and platforms;
- (2) 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
- (3) 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.

**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.

This application is available in alternate formats upon request.

**REQUEST FOR WAIVER FROM ACCESSIBILITY REQUIREMENTS  
OF CHAPTER 553, PART V, FLORIDA STATUTES**

Your application will be reviewed by the Accessibility Advisory Council and its recommendations will be presented to the Florida Building Commission. You will have the opportunity to answer questions and/or make a short presentation, not to exceed 15 minutes, at each meeting. The Commission will consider all information presented and the Council's recommendation before voting on the waiver request.

**1. Name and address of project for which the waiver is requested.**

**Name:** American Heritage School **Address:** 6200 Linton Blvd., Delray Beach, Florida

**2. Name of Applicant. If other than the owner, please indicate relationship of applicant to owner and written authorization by owner in space provided:**

**Applicant's Name:** Fredric Nagler, R.A.

**Applicant's Address:** 21321 Northeast 25 Court, Miami, Florida 33180-1039

**Applicant's Telephone:** 305.935.0514 **FAX:** 305.935.0514

**Applicant's E-mail Address:** naglerf@bellsouth.net

**Relationship to Owner:** Architect

**Owner's Name:** American Heritage School, William Laurie, President

**Owner's Address:** 12200 West Broward Blvd., Plantation, Florida 33325

**Owner's Telephone:** 954.472.0022 **FAX** 954.472.3088

**Owner's E-mail Address:** slopez@ahschool.com

**Signature of Owner:** 

**Contact Person:** Fredric Nagler, R.A.

**Contact Person's Telephone:** 305.935.0514 **E-mail Address:** naglerf@bellsouth.net

This application is available in alternate formats upon request.  
Form No. 2001-01

**3. Please check one of the following:**

- New construction.
- Addition to a building or facility.
- Alteration to an existing building or facility.
- Historical preservation (addition).
- Historical preservation (alteration).

**4. Type of facility.** Please describe the building (square footage, number of floors). Define the use of the building (i.e., restaurant, office, retail, recreation, hotel/motel, etc.)

Waiver request is for a **pressbox addition** to a previously permitted bleacher system for a football field at this private school. Gross area of the pressbox is proposed to be 196 sq. ft. Pressbox will have a finished floor elevation of 10'-8" above finished grade. The pressbox is a single story unit. The school is a Type III – Private Facility. There will be less than 5 occupants, will have limited use (home games during football season), and will not be programmable for student use.

**5. Project Construction Cost (Provide cost for new construction, the addition or the alteration):**

Pressbox construction cost only: \$49,165.00

**6. Project Status:** Please check the phase of construction that best describes your project at the time of this application. Describe status.

Under Design  Under Construction\*

In Plan Review  Completed\*

7. Briefly explain why the request has now been referred to the Commission.

Palm Beach County Building Department rejected plans as they felt that vertical accessibility to the pressbox was required per Chapter 11 of FBC 2004.

7. **Requirements requested to be waived.** Please reference the applicable section of Florida law. Only Florida-specific accessibility requirements may be waived.

**Issue**

1: We are requesting a waiver of FBC 2004, Chapter 11-4.1.3 regarding vertical accessibility.

**Issue**

2: \_\_\_\_\_  
\_\_\_\_\_

**Issue**

3: \_\_\_\_\_  
\_\_\_\_\_

8. **Reason(s) for Waiver Request:** The Florida Building Commission may grant waivers of Florida-specific accessibility requirements upon a determination of unnecessary, unreasonable or extreme hardship. Please describe how this project meets the following hardship criteria. Explain all that would apply for consideration of granting the waiver.

The hardship is caused by a condition or set of conditions affecting the owner which does not affect owners in general.

A hardship has been created due to an interpretation of Code requirements. It is to be noted that this facility is a Title III Private facility. The pressbox is under control of the school and is not open to public use. The facility is limited in size and will have an occupant load of 5 or less. Signage can be provided to limit the occupant load if requested. It should also be noted that this is a limited use facility, to be utilized for home games during football season.

We feel that vertical accessibility for this pressbox would not be required per the exception to the requirement noted in FBC 2004, Chapter 11-4.1.3 (5), exception (3) within this paragraph, which states that vertical accessibility is **NOT** required to "occupiable spaces and rooms that are not open to the public and that house no more than 5 persons, including, but not limited to, equipment control rooms and projection booths."

\_\_\_\_\_  
\_\_\_\_\_

Substantial financial costs will be incurred by the owner if the waiver is denied.

The cost of providing a vertical lift will be almost half the cost of the pressbox unit for a limited use facility. See attached cost breakdown from Herman Construction Services.

---

The owner has made a **diligent investigation** into the costs of compliance with the code, but cannot find an efficient mode of compliance. Provide detailed cost estimates and, where appropriate, photographs. Cost estimates must include bids and quotes.

---

---

**9. Provide documented cost estimates for each portion of the waiver request and identify any additional supporting data which may affect the cost estimates.** For example, for vertical accessibility, the lowest documented cost of an elevator, ramp, lift or other method of providing vertical accessibility should be provided, documented by quotations or bids from at least two vendors or contractors.

a. See attachments.

---

---

b. 

---

---

c. 

---

---

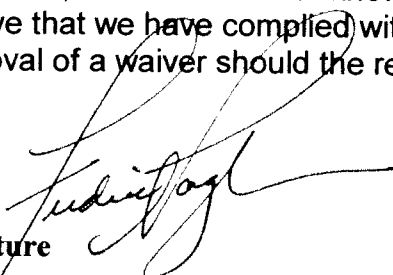
**10. Licensed Design Professional:** Where a licensed design professional has designed the project, his or her comments **MUST** be included and certified by signature and affixing of his or her professional seal. The comments must include the reason(s) why the waiver is necessary.

The Owner of the facility had requested a 'pressbox' be incorporated in the project for the use of the coaching staff and for filming of the football games. Although vertical access is required to all levels per the Code, my research also found that there are exceptions, especially as noted in FBC 2004, Chapter 11-4.1.3 (5) exception (3) listed in this paragraph. The Code (11-4.1.3 (5), Exception 4 (c)) does state that a platform lift **MAY** be used in lieu of an elevator to serve these areas, however it is not mandated that access be provided.

As this facility is a privately maintained facility, a Title III use facility per Federal designations, under the control of a private Owner, having an occupant load no greater than 5, with limited floor area, having definitely limited use, it is our interpretation that vertical accessibility would **NOT** be required.

Therefore, to the best of our knowledge, based upon our interpretation of the code, we believe that we have complied with the intent of the Code, and thereby are requesting approval of a waiver should the review committee's interpretation be otherwise.

**Signature**



**Printed Name**  
Fredric Nagler, R.A.

**Phone number:** 305.935.0514

---

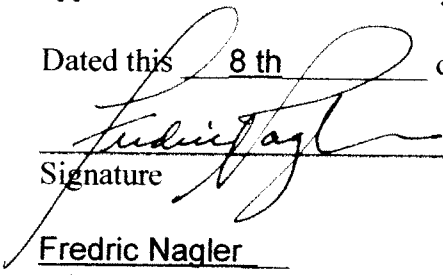
**(SEAL)**

Florida Registration Number: AR 6822

**CERTIFICATION OF APPLICANT:**

I hereby swear or affirm that the applicable documents in support of this Request for Waiver are attached for review by the Florida Building Commission and that all statements made in this application are to the best of my knowledge true and correct.

Dated this 8 th day of July, 20 06

  
Signature

Fredric Nagler

Printed Name

By signing this application, the applicant represents that the information in it is true, accurate and complete. If the applicant misrepresents or omits any material information, the Commission may revoke any order and will notify the building official of the permitting jurisdiction. Providing false information to the Commission is punishable as a misdemeanor under Section 775.083, Florida Statutes.

**REVIEW AND RECOMMENDATION BY LOCAL BUILDING DEPARTMENT.**

Please state why the issue is being referred to the Florida Building Commission as well as a recommendation for disposition. The Building Official or his or her designee should review the application and indicate that to the best of his or her knowledge, all information stipulated herein is true and accurate. Further, if this project is complete, explain why it is being referred to the Commission. The Building Official or his or her designee should sign a copy of the plans accompanying this application as certification that such plans are the same as those submitted for building department review. Please reference the applicable section of the Accessibility Code.

- a. 2004 FBC SECTION 11-4.1.3
- b. \_\_\_\_\_
- c. \_\_\_\_\_

Has there been any permitted construction activity on this building during the past three years? If so, what was the cost of construction?

Yes  No Cost of Construction \_\_\_\_\_

**Comments/Recommendation** BUILDING OFFICIAL SUPPORTS APPROVAL, PROVIDING COMMISSION DETERMINES PERSONNEL FROM VISITING SCHOOLS OR PRESS IS NOT PUBLIC USE.

Jurisdiction PALM BEACH COUNTY

Building Official or Designee Rebecca D. Caldwell  
Signature

REBECCA D. CALDWELL  
Printed Name

BU626  
Certification Number

(561)233-5100 (561)233-5020 FAX  
Telephone/FAX

Address: 100 AUSTRALIAN AVENUE, WEST PALM BEACH, FL 33406



---

**HERMAN**  
CONSTRUCTION  
SERVICES, INC.10291 N.W. 46th Street • Sunrise, FL 33351-7964  
(954) 749-1800 • Fax (954) 749-1804

CCC#4116

July 10, 2006

Mr. William Laurie  
American Heritage School of Boca/Delray  
6200 Linton Blvd.  
Delray Beach, FL 33484

RE: Press Box Proposal

Dear Mr. Laurie,

Per your request, we are furnishing this proposal to supply and install a press box at the bleachers for the football / soccer field.

The cost breakdown is as follows:

1. Form and pour concrete footers to support new press box and concrete walkway to access new wheel chair lift.	\$ 5,465
2. Furnish and install new press box.	\$42,750
3. Furnish and install wheel chair lift to access press box.	\$21,595
4. Electrical service to wheel chair lift and press box.	\$ 4,245
5. Replace sod. (Allowance)	\$ 2,000
6. Permit Fees (Allowance)	\$ 2,500
7. GC overhead & profit	<u>\$11,785</u>
<b>Total Estimated Cost:</b>	<b>\$90,340</b>

If you have any questions, please call me.

Sincerely,



Dennis DuVernois  
Vice President

**RIDE-N-OUR ELEVATOR LLC**  
*Florida's premier residential elevator contractors*  
**1200 NE 48<sup>TH</sup> ST.**  
**SUITE 1**  
**POMPANO BEACH FL, 33064**  
**954-782-7199 / FAX 954-785-2545**

July 10, 2006

Herman Construction Services  
954-749-1800 / Fax 954-749-1804  
Job: American Heritage School (PRESS BOX)  
6200 Linton Blvd.  
Delray Beach, FL

**PROPOSAL**

This agreement is made and entered on this 10<sup>th</sup> day of July, 2006, by and between RIDE-N-OUR ELEVATOR LLC and Herman Construction Services, referred to as Customer. RIDE-N-OUR ELEVATOR LLC is in the business of remodeling, renovation and installation of new elevators. It is hereby agreed that RIDE-N-OUR ELEVATOR LLC will perform services for the client as set forth herein.

**CONTRACT DESCRIPTION**

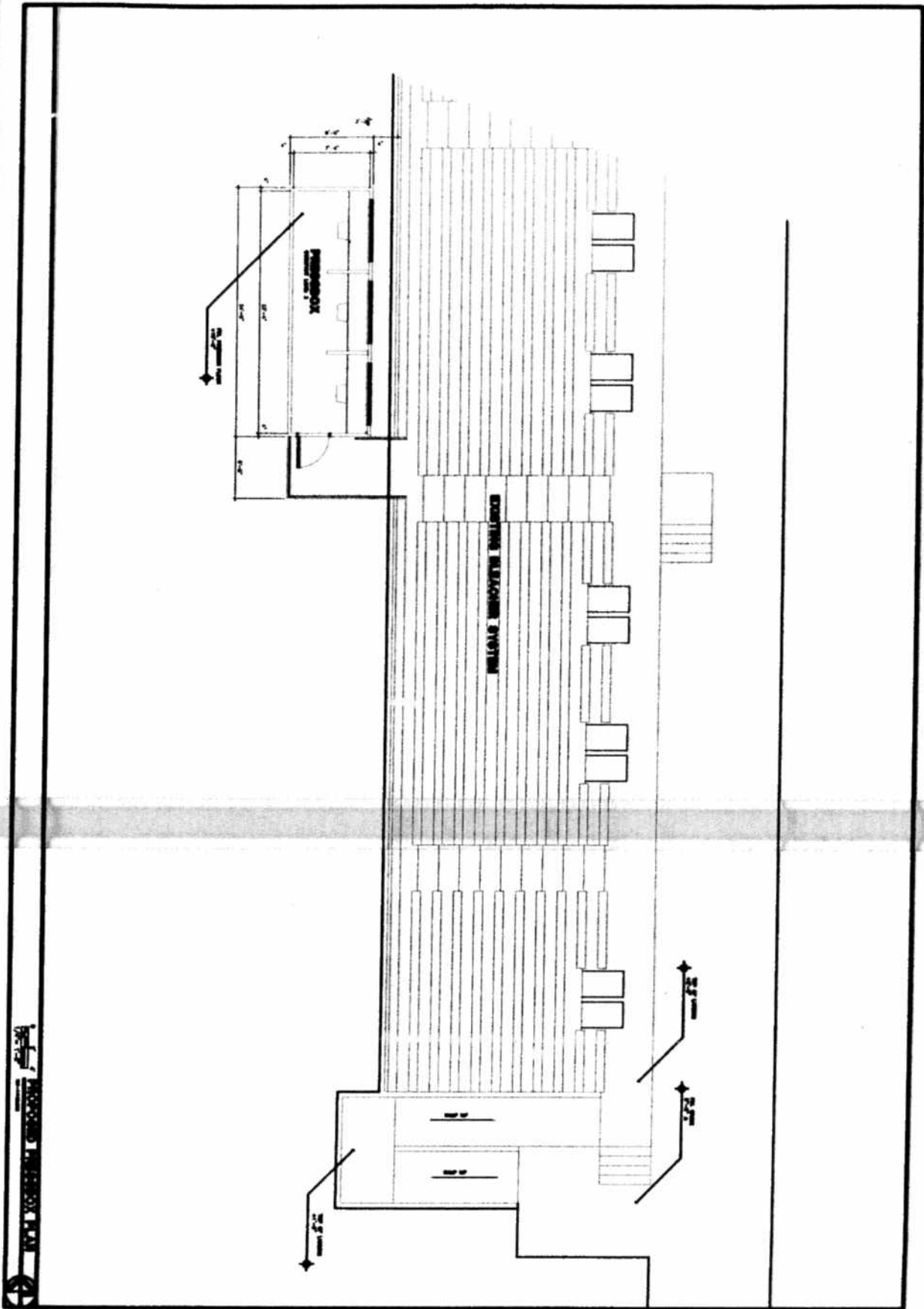
1. Installation of vertical platform lift: PL-EZE (ballscrew) Type 144, stops: 2, 1 unit.
2. Size 36" x 60" with Steel frame and acrylic panels. Inside finish will be ivory powder coat and platform will have non-skid surface. 6'8" High Steel Door with Acrylic Panels (Lower Landing). 6'8" high Steel door with Acrylic Insert (upper landing). Ceiling of unit will be acrylic dome with forced air ventilation package. Controls will be frame mount. Will include a pit switch and telephone jack on the platform (to comply with code). Enter/Ext opposite side.
3. This unit is a freestanding unit. Contractor will provide either: a 3" deep pit by the size of the unit, or a 3" high ramp. 110V power connection at unit location. Landing on second floor. Locations to anchor frame of machinery to foundation, first floor, and second floor of building.
4. 2 year limited factory warranty (drivetrain). 1 year parts.

Total of \$21,595.00. Fifty percent (50%) will be due upon execution of contract. Remaining 50% due upon completion and prior to turnover. Permit not included. Thank you for choosing Ride-N-Our Elevator.

**Herman Construction Services**

**RIDE-N-OUR  
ELEVATOR LLC.**

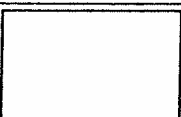




A21

DATE	1/21/64
BY	F.A.H.
CHECKED	F.A.H.
SCALE	AS SHOWN

PROPOSED FURNISH ARRANGEMENT TO ELABORATE UPON AN  
**AMERICAN HERITAGE SCHOOL**  
 6000 LEWIS BLVD. PALM BEACH GARDENS, FLORIDA



**FREDERIC A. HAGLER, R.A.**  
 ARCHITECTURE PLANNING  
 6000 LEWIS BLVD. PALM BEACH GARDENS, FLORIDA