#### PORT ORANGE NURSERY

**Issue**: Vertical accessible via an accessible entrance and accessible parking.

Analysis: The applicant is requesting a waiver from providing an accessible entrance and accessible parking for a new, \$116,925 building used for office, storage and maintenance equipment and supplies. The facility will have 1,200 square feet, of which 450 square feet contain the office and file room. The maintenance and storage area will be used to house vehicles, landscaping equipment and supplies. According to the applicant, all work performed by the nursery is done off-site and the public does not have occasion to come to the office. No estimates were submitted, but the applicant cited Means Cost Analysis, which would be an additional \$2,040 for paving for accessible parking and \$1,620 for a ramp. NOTE: The toilet room in the maintenance area is not fully accessible, since no turnaround space has been provided.

# **Project Progress:**

The project is in plan review.

Items to be Waived: Sections 11-8(a)(i) and 11-4.1.2(5)(a).

11-8(a)(i)At least 50 percent of all public entrances must be accessible. At least one must be a ground floor entrance. Public entrances are any entrances that are not loading or service entrances.

11-4-1.2(5)(a) If parking spaces are provided for self parking by employees or visitors or both, then accessible spaces complying with section 11-4.6 shall be provided in each such parking area.

**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: Port Orange Nursery			
Address: 5503 South Ridgewood Ave., Port Orange, Fl 32127			
2. Name of Applicant. If other than the owner, please indicate relationship of applicant owner and written authorization by owner in space provided:			
Applicant's Name: Donald E.Edwards and Deborah A. Huyett			
Applicant's Address: 2615 West Doris St., Kissimmee, Fl 34741			
Applicant's Telephone: 407-846-2977 FAX:			
Applicant's E-mail Address:			
Relationship to Owner: Owners			
Owner's Name: Donald E. Edwards and Deborah A. Huyett			
Owner's Address: 2615 West Doris St., Kissimmee, Fl 34741			
Owner's Telephone: 407-846-2977 FAX			
Owner's E-mail Address: Signature of Owner:			
Contact Person: Donald E. Edwards			
Contact Person's Telephone: 407-846-2977 E-mail Address:			

This application is available in alternate formats upon request.  Form No. 2001-01
3. Please check one of the following:
kkNew 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.)  1200 sq.ft. single story, personal storage building. This building will strictly for the use of the two owners. It is designed to have two bathrode breakroom, an area for recordkeeping and storage. The nature of plant nursery work is physically demanding and requires a facility of this type to increase efficiency. Bathrooms are necessary for sanitation and thebreakroom will allow us shelter from the extreme heat and severe weather. The storage area will be used for a vehicle, equipment and tools. To be cost effective, it is important to buy our soil and containers in large quantity requires ample storage space.  2. Project Construction Cost (Provide cost for new construction, the addition or the alteration):  116,925.00  6. Project Status: Please check the phase of construction that best describes your project at the time of this application. Describe status.  1 Under Design [] Under Construction*  2 In Plan Review [] Completed*  * Briefly explain why the request has now been referred to the Commission.
Briefly explain why the request has now been referred to the Commission.
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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 to waive handicapped parking and
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.
This property is for the limited and restricted use of the owners.
We Access is unnecessary, and will damage the gethetics of the building
[] Substantial financial costs will be incurred by the owner if the waiver is denied.
[] 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. H/C PARKINU SPACE - 340 SF ASPHALT \* ~6/SF = \$2,040/+ Mobelization for RS MEANS COST ANALYSIS 2005, NO BIDE AVAILABLE

b. H/C RAMP - 6/CF CONCRETE. - ~ \$1,620

c. NOTE: Financial hardship is not the reason for this request. It is for gethetics and functionality.

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.

Due to the law laws natural elevation of the property, the boilding fife will be a few feet higher than the existing grade. If it were to be made the accessible, this would execte a long of unsightly concrete camp in the middle of landscaping, which is undesireable. In addition, the building will not be used for the general public, but only for the use of the owners, Please see item #4 for additional use details.

Signature

Printed Name

PETE ZAHN

Phone number 386-152-0010

(SEAL)

# **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 10th day of October , 2005

Signature Signature Control of Si

Donald E. Edwards and Deborah A. Huyett

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.

1 MACHEA

### 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.

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Has there been any pern so, what was the cost of	nitted construction activity on this building during the past three years? If construction?
] Yes [] No Cost of C	onstruction
Comments/Recommen	dation
Building Official or Des	signee
	Signature
	Printed Name
	Certification Number
	Telephone/FAX
Address:	



# CITY OF PORT ORANGE

1000 CITY CENTER CIRCLE PORT ORANGE, FLORIDA 32129 TELEPHONE 386-506-5500 FAX 386-756-5290 www.Port-Orange.org

November 2, 2005

Florida Building Commission C/O Mary Kathryn Smith Department of Community Affairs Codes and Standards Office 2555 Shumard Oak Boulevard Tallahassee, Florida 32399

RE: Waiver Request

#### Dear Commissioners:

Applicants were advised to request hearing for determination of accessibility requirements on the project known as Port Orange Nursery. There are several issues as noted herein. If the Commission feels that there are other issues or concerns being overlooked by our department or the applicant, I will request that these also be discussed and addressed at the time of hearing.

## General Information

The project known as Port Orange Nursery is located in the City of Port Orange. It is in an area undergoing redevelopment. Part of the site improvements includes construction of a new office/storage facility, parking, etc. Concerns about accessibility were discussed with Don Edwards, owner, and Paul Heller, engineer, during site review process and prior to permit submittal. (These concerns were also discussed with Mary-Kathryn Smith.) Permit application for the building was submitted to Building Division and plans are currently in the review process.

# Code Issues and Comments

Section 4 of the waiver request indicates that proposed building is for personal storage and office functions of owners. Building Division acknowledges the *intended* uses stated by applicants but contends that there is no exception for providing accessibility in section 553.504 of the Florida Statutes.

Port Orange Nursery (Letter to Florida Building Commission) Page 2

Section 7 of the waiver request indicates that applicants are requesting waivers for handicapped parking and vertical accessibility. The request for waiver of parking was not discussed with Building Division prior to form being transmitted to office for our comments, but the Building Division will require accessible parking to be provided in accordance to section 553.5041 of the Florida Statutes unless a waiver is granted by the Commission. Building Division contends that request for waiver from vertical accessibility (553.509) is not a relevant issue. Waiver request is for accessible route (from parking) and accessible entrance to building as required by section 11-4.1.2 and 11-4.1.3 of the Florida Building Code. These components must be provided in accordance to code unless the Commission grants waiver(s) for either or both components.

Section 9 of the waiver request form submitted for review by Building Division does not contain any documentation to show estimated costs.

Section 10 of the waiver request indicates that a long and unsightly ramp would be required to provide access to main entrance of building. Building Division contends that this is not an accurate assessment and that there are other alternatives to ramp for providing access to building.

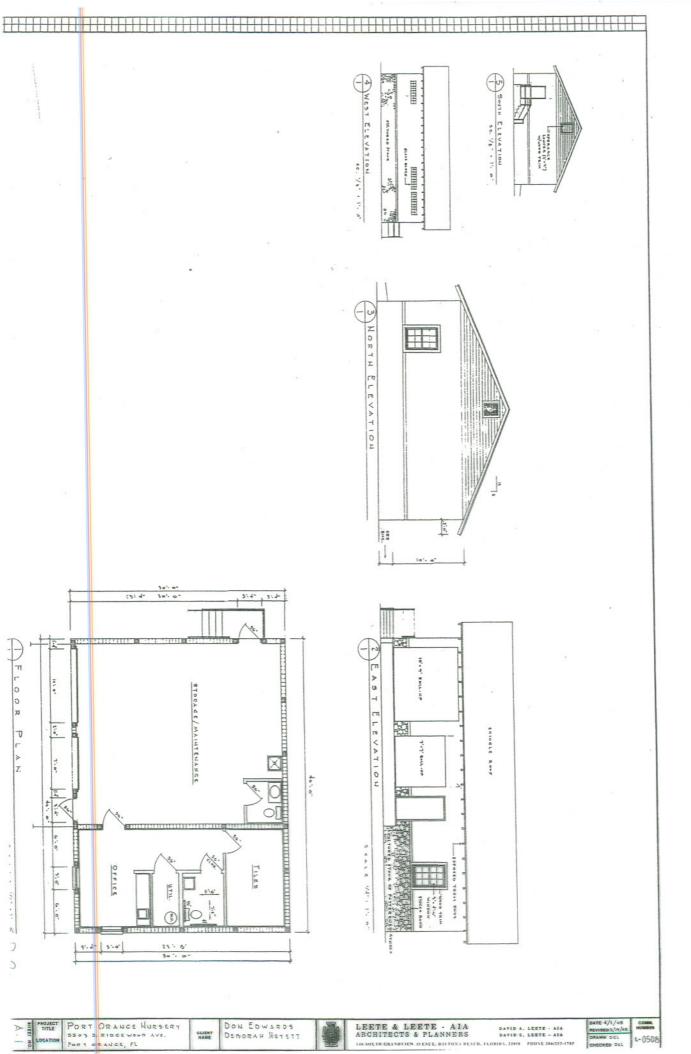
Hopefully, I have been able to provide sufficient information to assist the Commission in processing the applicant's request for a waiver. Due to the fact that I will not be able to attend the scheduled meeting, please feel free to contact me if you need any additional information or assistance in this matter. My phone number is (386) 506-5621 or you can reach me via email at <a href="mailto:rharrell@port-orange.org">rharrell@port-orange.org</a>.

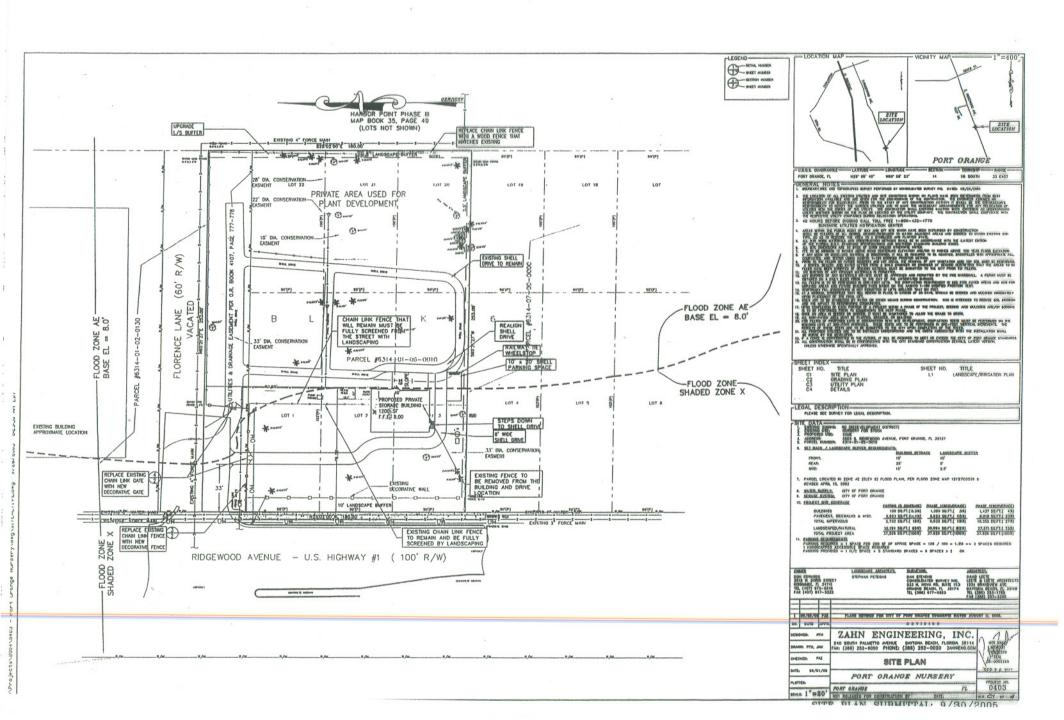
Respectfully,

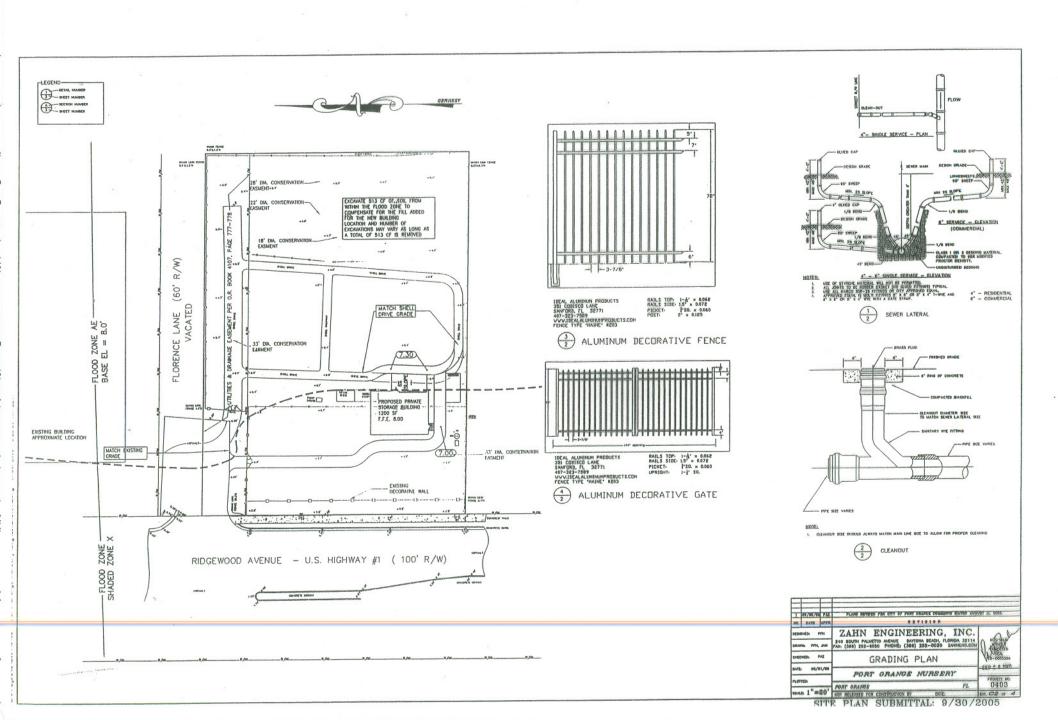
Robert Harrell

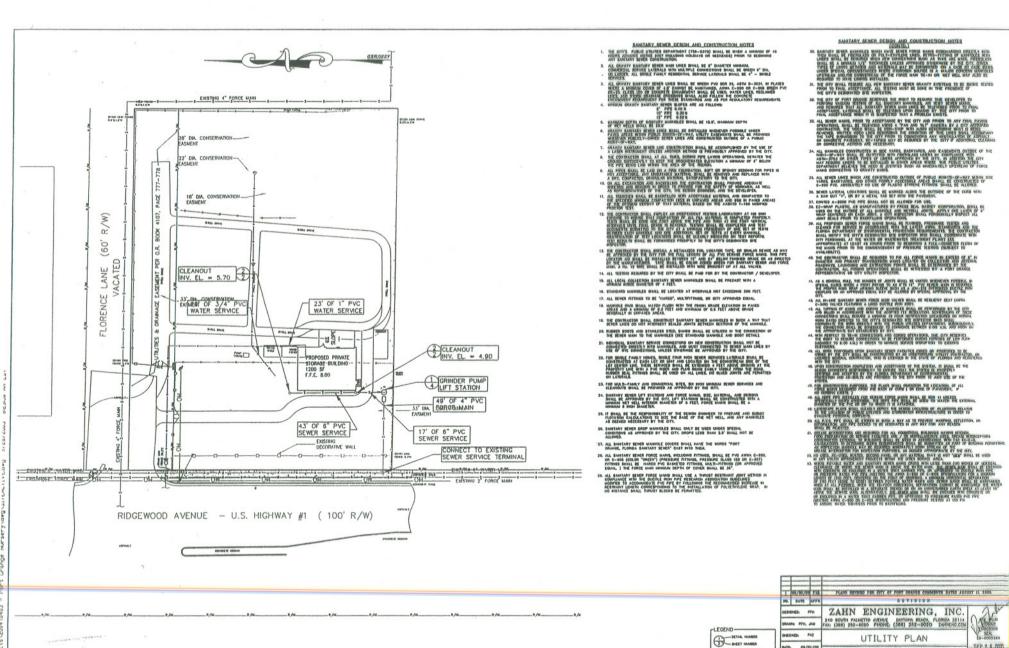
Chief Plans Examiner

C: File









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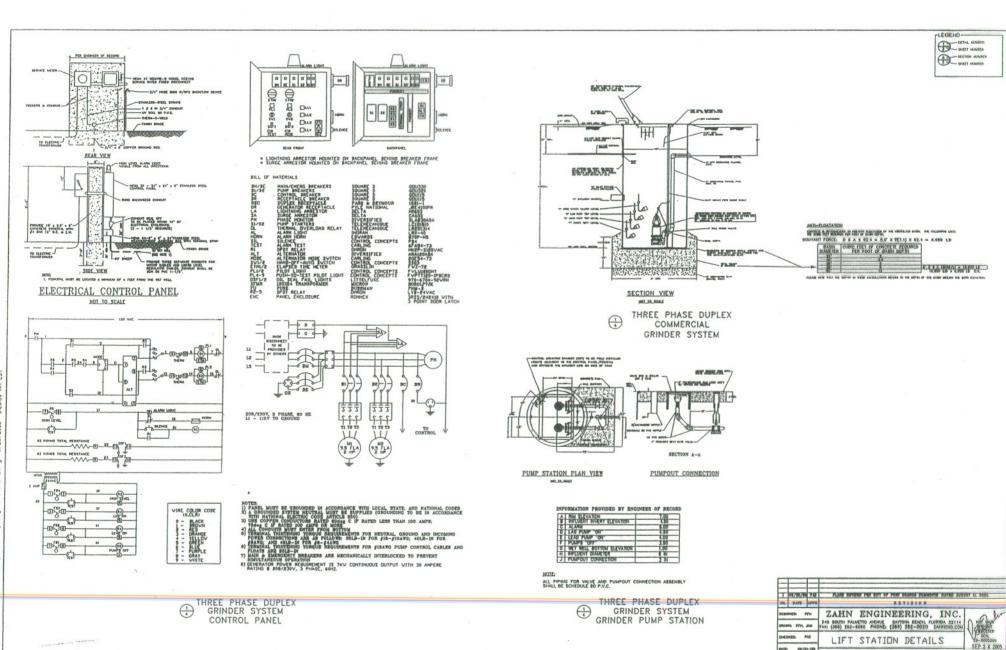
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PORT ORANGE NURSERY

CITE DIAN CHRMITTAL 9/30/2005

PORT ORANGE SCHE 1"=20" NOT RELEASED FOR CO

BUEST MARKER



PORT ORANGE NURSERY

PORT PRIMATE FIL 0403

NONE 1"=80" FOR RELIASTO FOR CONSTRUCTION BY DATE SIN. CAL or A

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