

FLORIDA BUILDING COMMISSION
ACCESSIBILITY ADVISORY COUNCIL

Minutes

February 11, 2002

Chairman Bunny Armstrong called the meeting of the Florida Building Commission's Accessibility Advisory Council to order at 9:15 A.M. at the Rosen Plaza Hotel in Orlando, Florida. Members present were Chairman Armstrong, Neil Melick, Johnny Long, Michael Elliott, J. R. Harding and Andrea Williamson. Pam Dorwarth arrived after the meeting was called to order. Others present were Mary Kathryn Smith and Kathy Butler.

Review of the Minutes of the January 7, 2002 Meeting: Chairman Armstrong asked if there were any corrections or additions to the meeting. Mr. Melick moved to approve the minutes as written and following a second by Mr. Long, the vote of the Council was unanimous in favor of the motion.

Review of Applications for Waiver from the Accessibility Requirements:

Mater Academy East, 450 S. W. 4th Street, Miami, Florida: Chairman Armstrong announced that the applicant requested that the application be deferred until the March meeting to allow additional time to research the code. Mr. Long moved to defer the application until March, and following a second by Dr. Harding, the vote of the Council was unanimous in favor of the motion.

Palmetto Beach Community Association Child Care Center, 2818 Corinne Street, Tampa, Florida. No one was present to represent the applicant, and with no objections stated, Chairman Armstrong moved discussion of the application until later in the meeting.

McFarlain Cassidy Law Firm Renovation, 305 South Gadsden Street, Tallahassee, Florida: No one was present to represent the applicant, and with no objections, Chairman Armstrong moved discussion of the application until later in the meeting.

The Learning School, 4111 N. W. 22nd Avenue, Miami, Florida: Chairman Armstrong recognized Ms. Jacquelyn Coats representing the applicant, which requested a waiver from providing vertical accessibility to the second floor of a day care center. The facility has been in existence 21 years, and at present the second floor is not being used. The school is licensed to care for 30 children and employs five teachers. The current alteration is to construct an exterior stairwell to allow independent access to the second floor, which will be used for teacher training and staff meetings. There is also a recreation area (break room) on the second floor, and the only alterations to that level will be to install central air conditioning. Estimates of \$36,700, including the enclosure and \$35,700, also including an enclosure were submitted to vertical lifts. Ms. Coats stated that licensing requirements would not permit children to be on the second floor, and that an area that could be used as a break room was also available on the first floor. Mr.

Long expressed concern that parents or potential employees could not go to the second level. Ms. Melick pointed out that the \$7,500 cost of construction was far exceeded by the cost to install a vertical lift and that the building appeared to meet the exemption allowing five or fewer employees to be in an inaccessible non-public portion of a building. He moved to recommend granting the waiver, and following a second by Ms. Williamson, the vote of the Council was unanimous in favor of the motion.

Cape Cement and Supply, 1011 S. E. 12th Avenue, Cape Coral, Florida: Chairman Armstrong recognized Mr. Richard Knight who represented the applicant. He requested a waiver from complying with the requirements for a fully accessible toilet room. The facility is an existing building that was purchased one and a half years ago. Upon moving into the building, a routine fire inspection detected alteration work that had been done by the previous owner without proper permits. Mr. Knight sought to rectify the situation and was advised by the building department that the toilet room must be brought up to code. The walls of the toilet room are solid concrete block and it would require saw cutting the floor and walls to increase its size to facilitate a turnaround area. The applicant was advised that it may be possible to achieve compliance via a T-turn by moving the lavatory and changing the door swing. Chairman Armstrong stated that it appeared there was no jurisdiction for the Council and Commission to act on the waiver request, since the code requirement for an accessible toilet was mandated by ADAAG, and was not a Florida-specific standard. Mr. Long moved to dismiss the waiver for lack of jurisdiction, and following a second by Dr. Harding, the vote of the Council was unanimous in favor of the motion.

Peter Bakolia, 2006 Vernon Place, Melbourne, Florida: Mr. Peter Bakolia stated he requested a waiver from providing vertical accessibility to the 1,480 square foot second floor of an existing two story masonry building. The tenant occupying the second floor performed a \$7,000 alteration without applying for a permit, and when the alteration was discovered, the building department advised him the work triggered the requirement for vertical accessibility to the second level. He provided estimates that it would cost \$56,436-\$61,486 to provide an elevator in the building. His tenant also submitted statements that all business is conducted over the Internet; there is no public access to the building; and that only three employees will be located on the second floor. A conference room is also located on the second floor, with no corresponding facility on the first. General discussion followed, in which concerns were expressed that more than three employees could easily work on the second floor. Mr. Long asked Mr. Bakolia if he would be able to provide some form of vertical accessibility within a reasonable time period in the future. Mr. Bakolia replied that he felt that could be achieved. Mr. Long moved to recommend granting the request, provided vertical accessibility is provided within two years of the date of the final order. Ms. Williamson seconded the motion, and the vote of the Council was unanimous in favor of it.

Wahab Construction, 818 S. W. 4th Avenue, Miami, Florida: Chairman Armstrong recognized Mr. Walid Wahab, who requested a waiver from accessibility to the second floor of an office building that is undergoing a \$17,000-19,000 alteration. Partitions are being moved to reconfigure the office space and the toilet room serving the altered area is being enlarged to comply with the code requirements. He stated that the second floor contains two offices, storage area and limited modular desk and counter space. As a result of the alteration, vertical

accessibility to the upper floor is required. He said the business is a construction management company that none of his clients find it necessary to visit the office, since he meets with them onsite. When asked if he could provide vertical accessibility within a reasonable time period, Mr. Wahab said that he could, but felt it was unnecessary due to the nature of his business. Ms. Williamson moved to recommended granting the waiver for a period of 18 months from issuance of the final order. Mr. Melick seconded the motion, and the vote of the Council was unanimous in favor of it.

Palmetto Beach Community Association Child Care Center, 2181 Corinne Street, Tampa, Florida. The applicant requested a waiver from providing vertical accessibility to the second floor of a building that is being converted from a residence to a day care center. The application stated that no children younger than second grade will be allowed on the second floor, and that only four employees will be located in the elevated area. However, the second level is greater than 400 square feet, the maximum allowed for an occupancy of four persons. The building was originally built on pilings, is being relocated and the first floor is being enclosed to provide the maximum amount of space on a small lot. The project cost is \$80,000, excluding relocation costs and the application stated it would cost an additional \$61,000 to install an elevator to the affected area. Chairman Armstrong noted that the application had previously been deferred, since no representative was available to respond to numerous questions regarding the project. In response to a question, Ms. Butler said that if the Council chose to recommend denial, and if it was ratified by the Commission, the applicant could re-apply with additional information. Ms. Dorwarth moved to recommend denying the application, and following a second by Mr. Long, the vote of the Council was unanimous in favor of the motion.

McFarlain Cassidy Law Firm Renovation, 305 South Gadsden Street, Tallahassee, Florida. The applicant requested a waiver from providing interior vertical accessibility to the second floor of an existing \$1,300,000 building that is undergoing a \$400,000 renovation. The topography of the site allows exterior on grade access to both floors with interior access between the floors provided by stairs. Mr. Melick stated that he felt the application should be deferred to allow the applicant to attend and present its case to the Council. He moved to recommend deferring the application, and following a second by Ms. Williamson, the vote of the Council was unanimous in favor of the motion.

Chairman Armstrong advised the Council that several items of interest would be discussed at the Technical Advisory Committee's meeting later in the day, and suggested discussion of these items would be more appropriate in that setting. There being no further business to come before the Council, the meeting adjourned at 11:50 A.M.