

**FLORIDA BUILDING COMMISSION  
ACCESSIBILITY ADVISORY COUNCIL  
October 9, 2005**

Chairman Neil Melick called the meeting of the Council to order at 1:10 P.M. at the Rosen Centre Hotel in Orlando. Johnny Long and J. R. Harding were present in addition to the Chair. Also in attendance were Mary Kathryn Smith and David Littlejohn.

**Review of the Minutes:** Chairman Melick deferred discussion of the minutes since a quorum was not present.

**Review of Applications for Waivers from Accessibility Code Requirements.**

**Greystone Hotel 1920 Collins Avenue, Miami Beach:** The application was deferred at the request of the applicant.

**Florida Marine Agency, Island Shipping Lines, 3797 N. W. South River Drive, Miami:** The application was deferred at the request of the applicant.

**Oseroff, 916 North Gadsden, Tallahassee:** No one was present to represent the applicant which requested a waiver from providing vertical accessibility to the second floor of an office building containing five offices, a hearing test room, reception area, storage, employee break room and waiting area. The building is undergoing a \$20,000 alteration including the addition of a ramp to the main entrance and an accessible toilet room on the second floor. The existing first floor is not being modified and was constructed with an accessible toilet. The application stated vertical accessibility to the second floor cannot be provided for \$4,000 and will supply documentation at a later time. Following discussion, the consensus of members present was that the request should be denied because the building contains the office of a health care provider and it is not within the Commission's jurisdiction to waive federal requirements.

**Surfstyle Retail Store, 421 Lincoln Road, Miami Beach:** Robert Fine represented the applicant, which requested a waiver from providing vertical accessibility from the ground level to a mezzanine. The issue was previously approved by the Commission, allowing the applicant one year from issuance of the Final Order to install a wheelchair lift. Subsequently, it was determined that the height exceeded that permitted for travel by a chair lift, necessitating the use of either a LULA or passenger elevator. The alteration will cost approximately \$375,000 for the main floor and \$85,000 for the mezzanine. An estimate of \$33,900 was provided indicating the cost of a LULA. Mr. Fine stated this would be disproportionate to the cost of the alteration. After discussion, the consensus of members present was to recommend denying the request, since they felt no hardship had been demonstrated.

**Congo River Golf, 1001 East Colonial Drive, Orlando:** Chairman Melick recognized Glen Craig and Tyson Voza as representatives of the applicant. The project

is an 18 hole miniature golf course and the applicant requested a waiver from providing vertical accessibility to each hold on the course. It is a new, \$600,000 project that was designed so the first nine holes are fully accessible, including dual pin placement on each accessible hole to allow patrons to replay the first nine holes for a different experience the second time. Elevations have been made accessible via ramps as well as access to the cave, lagoon, waterfalls and other theme elements. The cost is not the overriding factor, but making the best and most creative use of the site facilitates construction of different levels and elements of play. Mr. Craig commented that the design was consistent with recommendations developed at the Miniature Golf Charette earlier in the year. The consensus of members present was to recommend approving the waiver as submitted.

**River Grille Restaurant, 950 N. W US Highway 1, Ormond Beach:** Mr. Ed Schwarz represented the applicant for a waiver from providing vertical accessibility from a boat dock used by restaurant patrons to the outdoor dining deck. Because of the terrain, the only feasible method of providing access would be to install an exterior lift, which is estimated to cost \$66,000. The restaurant was constructed in 2003 at a cost of \$1,254,072. The docks were removed under a permit from the Department of Environmental Protection and the local building department indicated further alterations must be done to make the boat docks accessible. According to Mr. Schwarz, all other facilities associated with the restaurant are fully accessible and it is not necessary to approach the building by rivercraft to dine. Chairman Melick pointed out that environmental regulations of wetland areas would make doing additional construction work in the area very difficult or impossible. Chairman Melick and Dr. Harding agreed that the waiver should be granted due to technical infeasibility, provided issuance of the final order was not in conflict with federal requirements. Mr. Long dissented.

Pam Dorwarth arrived at 10:12 A.M.

**Chelsea Salon and Spa, 1629 Mitchum Drive, Tallahassee:** Chairman Melick recognized Mary Fannin as the applicant's representative. The project is a \$225,000 alteration to an existing building to convert it from an office building to a hair salon and spa. All facilities intended to be located on the second floor are also duplicated on the accessible first level. Accessible parking, walkways and the entrance will also be made accessible. Ms. Fannin stated it would cost an additional \$29,925 for installation of an elevator and \$15,385 had already been allocated to update accessible elements of the project. Dr. Harding moved to recommend granting the request provided the accessible shower permits wheelchair users to roll in. Following a second by Mr. Long, the vote of the Council was unanimous in favor of the motion.

**Southridge Park, 19355 114 Avenue, Miami:** Larry Schneider represented the applicant, which requested a waiver from providing vertical accessibility to all rows of bleacher seating in a new, \$176,500 stadium. The project will have 1,484 seats and 20 wheelchair accessible seating areas have been designed, including companion seats, at the front of the bleacher system. He stated it would be technically infeasible to provide access to every level of seats is an economic hardship to the local government and is unreasonable. He pointed out that the seats have been designed so that the general public

will walk behind the accessible seats, rather than in front, permitting clear sight lines at all times. Dr. Harding moved to recommend granting the request since it is unnecessary. Following a second by Ms. Dorwarth, the vote of the Council was unanimous in favor of the motion.

**Warehouse, 4763-79 East 11 Avenue, Hialeah:** Chairman Melick recognized Julio Moreton representing the applicant that requested a waiver from providing a ramp from the parking area of an existing 8,350 square foot warehouse undergoing a \$7,000 alteration. The project was originally constructed in 1965 and at that time, 8 parking spaces complying with the local zoning code were constructed. According to Mr. Moreton, construction of a ramp to the entrance of the warehouse would result in the elimination of two parking spaces in violation of local regulations. To legally eliminate the spaces would require receiving a variance from the local zoning commission, and if denied, the ramp could not be installed. Estimates of \$12,000 and \$15,000 were submitted as proposed costs for the ramp, which would be disproportionate to the cost of construction. Following brief discussion, Mr. Long moved to recommend denying the request, as the Commission has no authority to waive local regulations. Dr. Harding seconded the motion and the vote of the Council was unanimous in favor thereof.

**Plaza Collins 16 Cinemas, State Highway 50 & Lake Boulevard, Clermont:** Rodney Sartain represented the applicant which requested a waiver from providing vertical accessibility to all rows of seats in a new, \$7,000,000 16 theater movie complex. Where feasible, the project has been designed to provide accessible seating in more than one location and in the design are the seats at the extreme front of the theaters. Companion seats have been provided at each location. Estimates were submitted indicating it would cost an additional \$720,000 to install lifts in each theater. The Council voted on each theater as follows: #1 and #6 – Dr. Harding moved to recommend granting the application as submitted. Following a second by Ms. Dorwarth, the vote of the Council was unanimous. #2, #5, #10 and #15 – Dr. Harding moved to recommend granting the request as submitted and following a second by Ms. Dorwarth, the vote of the Council was unanimous. #3, #4, #11 and #15 – Dr. Harding moved to recommend granting the provided the accessible seating in the second row is moved over one chair to the left, and following a second by Ms. Dorwarth, the vote of the Council was unanimous in favor of the motion. #6 and #9 – Dr. Harding moved to recommend approving the application as submitted and following a second by Ms. Dorwarth, the vote of the Council was unanimous in favor thereof. #7 and #8 – Mr. Long moved to recommend granting the application as submitted. Ms. Dorwarth seconded the motion and the vote of the Council was unanimous in favor thereof. #12 and #13 – Dr. Harding moved to recommend approving the application and following a second by Ms. Dorwarth, the vote of the Council was unanimous in favor of the motion. Consensus of the Council was to congratulate the applicant on the design of the project.

**Muvico Boynton Beach 16, 601 North Congress Avenue, Boynton Beach:** Chairman Melick recognized Larry Schneider and George Figler as representative of the applicant, which requested a waiver from providing vertical accessibility to all rows of stadium seats in a new, \$7,155,000 16 theater movie complex. The project will consist of

theaters, with an occupancy of 135 to 416 seats. In the smallest theaters, accessible seats are placed on the first tier not the immediate front of the theaters and in the larger theaters, dispersed in more than one area. According to Mr. Schneider, requiring all rows of seats to be accessible would constitute an unnecessary, unreasonable and extreme hardship. Council voted on each theater design as follows: #2, #5, #6, #11, #15 and #16 – Dr. Harding moved to recommend approving the application as submitted. Following a second by Ms. Dorwarth, the vote of the Council was unanimous. #8 and #13 – Dr. Harding moved to recommend approving the application as submitted and following a second by Ms. Dorwarth, the vote of the Council was unanimous. #7 and #12 – Dr. Harding moved to recommend granting the request as submitted. Ms. Dorwarth seconded the motion and the vote of the Council was unanimous in favor of it. #1 and #9 – Dr. Harding moved to recommend granting the request as submitted and following a second by Ms. Dorwarth, the vote of the Council was unanimous in favor of the motion. #3 and #10 – Dr. Harding moved to recommend granting the request as submitted and following a second by Ms. Dorwarth, the vote of the Council was unanimous.

**Review Minutes:** Chairman Melick stated that since a quorum was present minutes of several previous minutes could be considered. They were the meetings of June 28, August 22, May 9, March 14 and January 24, 2005. Dr. Harding moved to approve the minutes as written and following a second by Mr. Long, the vote of the Council was unanimous in favor thereof.

There being no further business to come before the Council, the meeting adjourned at 5:15 P.M.