

ACCESSIBILITY ADVISORY COUNCIL

GROUNDS FOR APPROVAL

- **Economic Hardship**
 - Does the cost of providing vertical accessibility meet or exceed 20% of the cost of the alteration to the primary function area?
 - If the 20% threshold is met, the waiver SHALL be granted.
 - Does not apply to new construction.

- **Historic Nature**
 - Has the applicant provided documentation of the historic significance of the building?
 - Would the historic significance of the structure be negatively impacted by the alterations applicant would have to make to provide accessibility?
 - Can be combined with Technical Infeasibility or Economic Hardship

- **Technical Infeasibility**
 - Is the structure built in a way that would otherwise place unnecessary, unreasonable, or extreme hardship on the applicant, if they were required to provide accessibility?
 - Has the applicant provided comments from a licensed design professional?
 - Would have to rebuild, demolish, encroach on property lines, etc.

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MSFM 17002010, Pepper Building, Garage No. 34- WAV # 276

Issue: A variance to the required size of accessible parking spaces and access aisle location.

Project Type: Alteration to an existing building or facility.

Project Progress: Under Design

Compliance estimate + Amount spent on accessible features: \$120,000

Project Construction Cost + Construction Cost Over Past 3 Years \$154,200.00

Economic Hardship Threshold: $120,000 / 154,200 = 78\%$

Applicant alleges the hardship is caused by a condition or set of conditions affecting the owner which does not affect owners in general, technical infeasibility, and substantial economic hardship.

Analysis: The applicant is requesting a waiver from providing 12' wide accessible parking spaces on all levels of the parking garage and a variance to allow the access aisle to be placed behind the parked vehicles on levels 2 and 3. The project consists of making improvements to an existing 3 story parking garage. The applicant is attempting to make the garage ADA compliant by providing 10 H/C spaces by requesting a variance on Level 1 where their parking space width is 10'-9" rather than 12', a variance on Level 2 for one space which is 8'-11, and a variance on Level 3 where a space is 9' wide. According to the applicant, the reason that they cannot make all of the proposed parking spaces compliant is that the column placement spacing is too restrictive to all the proposed parking spaces to be compliant with the 12' width. Additionally, due to the placement of the columns they are unable to place the access aisle in a manner that avoids users traveling behind parked vehicles. Furthermore, the cost of relocating structural columns exceeds the fiscal realities of the project budget. The applicant is requesting a waiver based on a condition or set of conditions affecting the owner which does not affect owners in general, technical infeasibility, and substantial economic hardship.

Uploaded Documents:

1. Licensed Design Professional Letter
2. Proposed Construction Plans
3. Grounds for Waiver Letter
4. Construction Cost Estimate
5. Project Compliance Cost Estimate

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STAFF RECOMMENDATION:

The compliance estimate and the amount spent on accessible features amount to 78% of the total cost of construction. Staff recommends granting the request for waiver on the grounds of technical infeasibility, substantial economic hardship, and a condition or set of conditions affecting the owner which does not affect owners in general.

Items to be waived:

553.5041(5)(a) All spaces must be located on an accessible route that is at least 44 inches wide so that users are not compelled to walk or wheel behind parked vehicles except behind his or her own vehicle.

553.5041(5)(c) Each parking space must be at least 12 feet wide. Parking access aisles must be at least 5 feet wide and must be part of an accessible route to the building or facility entrance. The access aisle must be striped diagonally to designate it as a no-parking zone.

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.

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MOTIONS

- I move to recommend that the Florida Building Commission approve this request for waiver on the grounds of _____.
 - Economic Hardship
 - Historic Nature
 - Technical Infeasibility

- I move to recommend that the Florida Building Commission deny this application.
 - No rationale necessary.

- I move to recommend that the Florida Building Commission defer this request for waiver to the next meetings of the Council and the Commission for the purpose of allowing the applicant to _____:
 - Submit requested information
 - Contact building official or building department
 - Etc.