Building Division
201 SE 3RD Street (Second Floor)
Ocala, FL 34471
Phone: (352) 629-8421
Email: building@ocalafl.org

Accessibility Exemption Process Historic Buildings

- Accessibility exemptions cannot be provided through the local jurisdiction, exemptions are provided by state authority, go to the following state link:

  http://www.floridabuilding.org/fbc/committees/accessibility/aac/aac_waiver_form/1_aac_waiver_form.htm

- Examples:

  - Take photos and provide a letter to the state, provide them information on how the existing stairs are restricted by surrounding components of the structure, the width of the stairs will not allow a lift, or no other areas available to place a lift for vertical accessibility, and explain that it is important to preserve all historic features.

  - A common problem with a Historic Building is the width of the stairway, another problem is the corridor width which cannot be reduced in some scenarios. Multiple features are restricted by the surrounding components of the structure and it is important to preserve all historic features.

  - Applying for an Accessibility Waiver information page is attached for reference and guidance through the process.

  - Accessibility Exemption Letter is attached for example on how the State of Florida Division responds.

Revised: 2/17/2020

Applying for an Accessibility Waiver

Is the vertical accessibility requirement impractical or infeasible for your renovation project? Please use the guide below to see if you may qualify for an Accessibility Waiver from the State of Florida.

Keep in mind there are three reasons as to why the State may grant an Accessibility Waiver Request:

1. Economic Hardship (the 20% rule): If making the building accessible will total over 20% of your total projected rehabilitation cost, you may apply on the basis of economic hardship. For this, you need quotes for making the building meet accessibility requirements, and a proposal from a licensed contractor or architect showing the total project cost.

2. Historic Nature: This applies to buildings for which the historic value can be proven. For this to apply, you will need to get a letter from the Department of State, affirming that the property in question is in fact a historic site and making the building accessible would negatively impact the historic integrity of the building. You will need to upload the letter onto your Waiver Application.

   Your contact for the Department of State:

   Richard (Rick) Hillburn
   Email: Richard.Hilburn@dos.myflorida.com
   Phone: 850-245-6363

3. Technical Infeasibility: Provide proof that making the structure accessible would lead extreme hardship (rebuilding the structure, needing to demo a large portion of the building). You must have comments from a licensed design professional, which will also need to be put on your Waiver Application.

To understand how the waiver request is processed, please see below for the three rationales for granting the Accessibility Waiver Application:

http://www.floridabuilding.org/fbc/commission/FBC_1018/Acc_Adv_Council/347/347_1_STAFF_ANALYSIS.pdf

The DBPR Waiver Application Form can be found here:
http://www.floridabuilding.org/FBC/committees/accessibility/aac/aac_waiver_form/1_aac_waiver_form.htm

FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

May 14, 2019

Mr. Todd B. Rudnianyn
International Property Services Corp
2441 N.E. 3rd Street, Suite 201
Ocala, FL 34470

RE: Determination of potential adverse impact(s) to 1027 E. Fort King Street, a Qualified Historic Building or Facility, resulting from alterations for ADA Code compliance

Mr. Rudnianyn:

At your request we reviewed the above listed property pursuant to the procedures set forth in Section 202.5, Florida Building Code 2017, 6th Edition – Accessibility, ADA Standards for Accessible Design (ADA Standards) Codified in 28 CFR Part 36 and equivalent procedures implementing Sections 553.503, Florida Statutes. This review is based on information provided in drawings, photographs and letters you submitted to this office dated May 1, 2019.

It is the opinion of this office that compliance with Section 202.5 Alterations to Qualified Historic Buildings of the ADA Standards including those for routes, entrances, or toilets will threaten or destroy the historic significance of 1027 E. Fort King Street, a qualified historic property, and that exception(s) for these element(s) shall be permitted to apply.

We concur with your assessment that the construction necessary to provide 1027 E. Fort King Street full ADA vertical access will cause an adverse effect upon the historic fabric of this property.

It is our understanding that other issues relating to these proposed solutions, such as technical infeasibility, disproportionate cost or other code issues as well as final accessibility waivers shall be addressed locally as they are beyond the scope of this review.

Please direct questions concerning this review to Richard Hilburn, RA, at (850) 245-6333.

Sincerely,

Richard L. Hilburn, R.A.

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CC: Project File