

NORTH GENERAL PLAZA

Issue: Vertical accessibility to the second floor of an office building.

Analysis: The applicant is requesting a waiver from providing vertical accessibility to the second floor of an office building. The first floor is a 1,958 square foot medical office. The 1,814 square foot second floor has not been built out as a tenant has not been identified for the space. The owner proposes to install an elevator at the time the space is modified for the tenant's needs and requests a waiver for the interim. The cost of the elevator is \$40,353.

Project Progress:

The project is completed.

Items to be Waived:

Vertical accessibility to the second floor, as required by Section 553.509, Florida Statutes.

553.509 Vertical accessibility. Nothing in Sections 553.501-553.513 or the guidelines shall be construed to relieve the owner of any building, structure or facility governed by those sections from the duty to provide vertical accessibility to all levels above and below the occupiable grade level regardless of whether the guidelines require an elevator to be installed in such building, structure or facility, except for:

- (1) Elevator pits, elevator penthouses, mechanical rooms, piping or equipment catwalks and automobile lubrication and maintenance pits and platforms;
- (2) Unoccupiable spaces, such as rooms, enclosed spaces and storage spaces that are not designed for human occupancy, for public accommodations or for work areas; and
- (3) Occupiable spaces and rooms that are not open to the public and that house no more than five persons, including, but not limited to equipment control rooms and projection booths.

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: North General Plaza

Address: 1315 N. Federal Plaza
Boynton Beach, FL 33435

2. Name of Applicant. If other than the owner, please indicate relationship of applicant to owner and written authorization by owner in space provided:

Applicant's Name: G. Raymond Berry

Authorized By: J. Renelien
Jean Renelien

Applicant's Address: 420 US Hwy 1, Suite 15 North Palm Beach, FL 33408

Applicant's Telephone: 561-254-2740 FAX: 561-840-9709

Applicant's E-mail Address: dunworthconstruction@yahoo.com

Relationship to Owner: Client

Owner's Name: Jean Renelien

Owner's Address: 1550 N. Federal Hwy #16 Boynton Beach, FL 33435

Owner's Telephone: 561-602-4120 FAX: 772-245-8166

Owner's E-mail Address: _____

Signature of Owner: J. Renelien

Contact Person: Roy F. Dunworth

Contact Person's Telephone: 772-215-3438 E-mail Address: dunworthconstruction@yahoo.com

This application is available in alternate formats upon request.
Form No. 2001-01

3. Please check one of the following:

New 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.)

Two Story Building. First floor is medical office
consisting of 1958 sq. ft. Second floor is 1814 sq. ft. and
is zoned general office as per site plan approval.
Second floor is a shell only and is not built out.

5. **Project Construction Cost** (Provide cost for new construction, the addition or the alteration):

Cost of an elevator is \$40,353.00

6. **Project Status:** Please check the phase of construction that best describes your project at the time of this application. Describe status.

Under Design Under Construction*

In Plan Review Completed*

* Briefly explain why the request has now been referred to the Commission.

A tenant has not been found to build out and occupy the
2nd floor during construction. Owner wishes to install the elevator
when the 2nd floor is constructed and approved.
for occupancy.

7. **Requirements requested to be waived.** Please reference the applicable section of Florida law. Only Florida-specific accessibility requirements may be waived.

Issue

1: Section 553.512 FBC 04' and must be in compliance with 28 C.F.R., Sect. 36.403 (F)(1).

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.

Declining market conditions dictate that it is an inappropriate time to complete the 2nd floor as a tenant is not attainable.

Substantial financial costs will be incurred by the owner if the waiver is denied.

The cost of the elevator would be \$40,353.00.

If installed the elevator travels to a space which is not constructed and not approved for occupancy.

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.

Please See Attached Bid. After diligent investigation
the Owner requests that the installation of the elevator be waived
until the 2nd Floor is constructed and approved for occupancy.

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. Please see attached bid for the elevator.

b. _____

c. _____

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.

The waiver is necessary to avoid the hardship of expenses to install an
elevator for access to a space that is not constructed nor approved for
occupancy.

G. Raymond Berry
Signature

G. Raymond Berry
Printed Name

Phone number (561) 254-2740 (cell)

(SEAL)

G. Raymond Berry

AR0009960

12/30/08

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 30th day of December, 2008

Signature

G. Raymond Berry
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.

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.


- a. F.S. 553.509 - Vertical Accessibility
- b. FBC-2004 - Chapter 11 - Section 11-4.1.3 - Accessible Bldgs:
- c. New Construction - Subsection (5)

Has there been any permitted construction activity on this building during the past three years? If so, what was the cost of construction?

Yes No Cost of Construction \$754,400.00

Comments/Recommendation The City of Boynton Beach Building Division supports this request for a waiver.

Jurisdiction City of Boynton Beach, FL

Building Official or Designee 
Signature

Wayne R. Bergman
Printed Name

BU 1562, PX 2992, BU 5944
Certification Number

(561) 742-6373 / (561) 742-6357
Telephone/FAX

Address: 100 E. Boynton Beach Blvd.
Boynton Beach, FL 33425-0310

Thyssenkrupp Elevator

Americas Business Unit



ThyssenKrupp

August 28, 2007

RE: North General Plaza

On behalf of ThyssenKrupp Elevator, I am pleased to quote one (1) hydraulic passenger elevator per the following specifications in the above referenced project for the total cost Forty thousand, three hundred fifty-three dollars (\$40,353.00). Sales tax included. This quote is based on our clarifications and enclosed *Work Not Included* sheet:

ALTERNATES:

1. Provide single phase power unit in lieu of three phase power unit, ADD: \$887.00 (speed to be 55 FPM in lieu of 95 FPM)
2. Provide battery operated emergency lowering, ADD: \$1,567.00

(Alternate prices are pre-booking/pre-engineering prices. Changes after release of order to the factory can result in additional charges to cover administrative and re-engineering costs.)

CLARIFICATIONS:

1. The schedule shall be agreed to in writing by both parties before becoming effective.
2. ThyssenKrupp Elevator will not be liable for liquidated or consequential damages.
3. ThyssenKrupp Elevator's price is valid for thirty (30) days from the date of bid submission.
4. ThyssenKrupp Elevator's quotation is contingent upon all of our work being performed during the normal working hours of the elevator trade.
5. Purchaser shall furnish a 25% deposit which is not subject to withholding of retainage before elevator fabrication can begin.
6. ThyssenKrupp Elevator will proceed with manufacturing of the equipment only after complete approvals have been returned, as well as the fully executed contract.
7. If re-inspection is required due to deficiencies by other trades, ThyssenKrupp Elevator will be reimbursed \$880 for re-inspection per elevator, as well as the cost of the additional inspector fees.
8. Proposal includes labor rates and projected material costs through December 31, 2008. A price adjustment will be required if installation is delayed beyond this time.
9. Contractor/Owner shall supply ThyssenKrupp Elevator with suitable onsite storage, approximately 25' x 25' (per elevator), adjacent to the hoistway at the bottom landing. A charge of \$1,200.00 per elevator will be assessed to Contractor/Owner for any additional handling or re-transportation of the equipment required pursuant to this agreement. Further, in the event Contractor/Owner is unable to take possession of the equipment pursuant to the contract documents, ThyssenKrupp Elevator will assess Contractor/Owner a charge of \$500.00 per month, per elevator for offsite storage.
10. At installation we require permanent three phase power.
11. Our bid is based on ThyssenKrupp's standard pre-engineered model cab design. Plastic laminate selection to be provided from ThyssenKrupp's standards.
12. Hoistway, pit, overhead and machine room to suit ThyssenKrupp Elevator's standard space for the capacities specified.

ThyssenKrupp Elevator
 7567 Central Industrial Drive
 Riviera Beach, Florida 33404
 Telephone: 561-791-4342 1-800-663-0881
 Fax: 561-842-4570
 E-mail: Tiff.Marast@thyssenkrupp.com
 Internet: www.thyssenkruppelevator.com

13. ThyssenKrupp Elevator will furnish two (2) copies of its normal closeout documents which include our standard owners manual and standard warranty documents. Additional copies are \$125.00 each.
14. ThyssenKrupp Elevator's proposal is based on others providing adequate rail bracket support as required and based on factory recommended locations.
15. For all buildings with 60' to 75' of travel, second phone line and conduit from the fire panel room to each elevator machine room is required to be installed by others as required by ANSI A.17.1- 2.27.1.1.4
16. Construction use of elevators is subject to GC's acceptance of ThyssenKrupp Elevator's standard Construction Use Agreement and payment of \$35.00/calendar day/elevator (which covers the extension of the warranty, preventive maintenance and service call backs) and \$1,000.00 per elevator for refurbishing. All inspection and permit fees to be paid by the GC directly to the City, County or State. Repair of damages due to abuse, misuse or vandalism, at an additional cost. Protection of cab and entrances during construction use by others.
17. No platform use by GC is included. Platform use of the elevators is subject to GC's acceptance of ThyssenKrupp Elevator's Special Use Agreement. If an operator is necessary, it will be billed at standard mechanic hourly billing rates.
18. Payment and performance bond is not included.
19. Due to how our insurance costs are distributed throughout our corporation, we cannot participate in OCIP, CCIP, MCIP, DSIP or other similar programs. ThyssenKrupp Elevator will provide its own insurance.
20. No provisions are included to support security systems (card readers, cctv cameras, etc.).
21. ThyssenKrupp Elevator is not including IBC requirements in our proposal. If IBC is applicable in your area notify your TKE representative immediately for a revised proposal.
22. All related work as included on the attached work not included form shall be performed by other trades.

HYDRAULICS

23. ThyssenKrupp Elevator's proposal is based on the Contractor providing the hoisting of our one piece jack and piston into the elevator hoistway at no cost to ThyssenKrupp Elevator. Normally this activity takes place prior to top out of the building structure. ThyssenKrupp Elevator will assist with manpower to help with coordination of hoisting and provide early delivery of the one piece jack and piston. The General Contractor will furnish the executed contract and returned submittals or an executed ThyssenKrupp Elevator Corporation "Preliminary Work Authorization" form with critical jack information to facilitate the timely, early delivery of the jack (s). If contractor is unable to provide or supply this service, please add \$1,000.00 (per building) to our proposal.
24. ThyssenKrupp Elevator's proposal is based on others providing a hoisting beam rated for at least 5,000 lbs. and with proper overhead clearance.
25. ThyssenKrupp Elevator's price is based upon utilizing an outside truck mounted well drilling rig. The price is subject to increase if an inside mounted well drilling rig must be furnished.

SCHEDULE OF EQUIPMENT (Passenger elevator)

CAPACITY:	2100 lbs.
JACK TYPE:	Holeless
TRAVEL:	12'-2"
SPEED:	95 FPM
LANDINGS:	Two (2)
OPENINGS:	Two (2) in line

- PIT: 4'-0" minimum
- OVERHEAD: 12'-2" minimum (to underside of G.C. supplied 5000 lbs. hoist beam)
- OPERATION: TAC-20, simplex operation
- POWER SUPPLY: 208 Volts, 3 Phase, 60 Cycles
- CAR CLEAR INSIDE: 5'-8" wide x 4'-3" deep x 7'-4" high
- WALLS: DLP-1 plastic laminate covered walls
- FRONT & TRANSOM: Stainless steel #4
- CEILING: Suspended frame, diffuser panels under fluorescent
- HANDRAIL: Stainless steel #4 on one (1) wall
- CAR FLOOR: By others not to exceed 3/8"
- CAR DOOR: Stainless steel #4, D.C. power, gearless
- ENTRANCES: Single speed, side opening
- ENTRANCE SIZE: 3'-0" wide x 7'-0" high
- ENTRANCE FINISH: Baked enamel frames and doors
- SIGNALS: Illuminating car and hall call pushbuttons, illuminating position indicator in car, car traveling lantern.
- MACHINE LOCATION: At third floor above elevator shaft (6'-5" x 6'-1" min. size)
- SPECIAL FEATURES: Special requirements to meet Florida Code for the Handicapped, Fireman's Emergency Service, pit ladder, sill angles, pad protection and auto fan/light shutdown. ADA phone
- MAINTENANCE: Three months after State acceptance

Please be advised of the following lead times associated with this project

- Preparation of shop drawings for review and approval: 4-5 weeks
- Approval time: ___ weeks
- Fabrication: 14 weeks
(after receipt of all approvals & an executed contract)
- Delivery of equipment: 5-10 calendar days

Important: We can start the submittal process with a letter of intent, but it will not be possible to release any equipment into production or incur any costs without an executed contract or a signed Preliminary Work Authorization (PWA). It is also important to note that equipment can not be released into production without all approvals and color selections returned to us.

Thank you for the opportunity to bid this project. Should you have any further questions, please do not hesitate to contact me at (561) 791-4342.

Sincerely,

THYSSENKRUPP ELEVATOR

Tiff Maraist
Construction Sales Manager

REV. 02/71 11 4

**NEW INSTALLATION & EXISTING BUILDING
WORK NOT INCLUDED**

A legal hoistway, properly framed and enclosed, and including a pit of proper depth provided with ladder, sump pump, lights, access doors and waterproofing, as required. Dewatering of pit(s). Legal machine room, adequate for the elevator equipment, including floors, trap doors, gratings, foundations, lighting, ventilation and heat to maintain the room at an ambient temperature of 50 degrees Fahrenheit minimum 90 degrees Fahrenheit maximum, non-condensing. Adequate supports and foundations to carry the loads of all equipment, including support for guide rail brackets. A hoist beam with a capacity of 5,000 lbs suitably located. Adequate bracing of entrance frames to prevent distortion during wall construction. When required, divider beams at suitable points shall be provided for guide rail bracket support.

It is agreed that in the event asbestos material is knowingly or unknowingly removed or disturbed in any manner at the jobsite, you will monitor our work place and prior to and during our manning of the job, you will certify that asbestos in the environment does not exceed .01 fibers per cc as tested by NIOSH 7400. In the event our employees or those of our subcontractors are exposed to an asbestos hazard, PCP's, lead or other hazardous substances, you agree to indemnify, defend, and hold us harmless from all damages, claims, suits, expenses, and payments resulting from such exposure. Identification, notification, removal and disposal of asbestos containing material, PCP's lead or other hazardous substances is the responsibility of the contractor.

All sill supports, including steel angles where required, and sill recesses (if sill angles not supplied by Elevator Contractor) and the grouting of door sills. Provide O.S.H.A. compliant removable temporary enclosures or other protection (barricades and kickboards) from open hoistways during the time the elevator is being installed (protection must allow clearance for installation of entrance frames). The Contractor agrees to indemnify, defend and hold us harmless from any OSHA citations we may receive as a result of contractor's non-compliance with OSHA standards. Proper trenching and backfilling for any underground piping and/or conduit. Cutting and patching of walls, floors, etc., and removal of such obstructions as may be necessary for proper installation of the elevator. Setting anchors and sleeves. Pockets or blockouts for signal fixtures. Structural steel door frames with extensions to beam above if required on hoistway sides and sills for freight elevators, including finish painting of these items.

Suitable connections from the power main to each controller and signal equipment feeders as required, including necessary circuit breakers and fused mainline disconnect switches per NEC. Wiring to controller for car lighting. (Per N.E.C. Articles 620-22 and 620-51). Electric power without charge, for construction, testing and adjusting of the same characteristics as the permanent supply. A means to automatically disconnect the main line and the emergency power supply to the elevator prior to the application of water in the elevator machine room will be furnished by the electrical contractor. This means shall not be self-resetting. Wiring and conduit from life safety panel or any other monitor station to elevator machine room or suitable connection point in hoistway. The contractor will provide a temporary 220 FAC - 30 amps single phase terminal with disconnect for each traction elevator in the machine room(s) at the start of the job for temporary operation of work platform.

Heat and smoke sensing devices at elevator lobbies on each floor, machine room, and hoistways (where applicable), with normally open dry contacts terminating at a properly marked terminal in the elevator controller. Telephone connection to elevator controller (must be a dedicated line and monitored 24 hours - instrument in cab by others). One additional telephone line per group of elevators for diagnostic capability wired to designated controller.

Emergency power supply with automatic time delay transfer switch and auxiliary contacts with wiring to the designated elevator controller. Electrical cross connections between elevator machine

room for emergency power purposes is to be provided by others. Any governmentally required safety provisions not directly involved for elevator installation. All painting, except as otherwise specified. Temporary elevator service prior to completion and acceptance of complete installation. Furnishing, installing and maintaining the required fire rating of elevator hoistway walls, including the penetration of fire wall by elevator fixture boxes, is not the responsibility of the elevator contractor. Flooring and/or installation of flooring by others.

Owner/General Contractor to provide a bonded ground wire, properly sized, from the elevator controller(s) to the primary building ground.

Remote wiring to outside alarm bell as requested by the Safety Code for Elevators and Escalators (ASME 17.1) (where applicable).

Costs for additional inspections of the elevator equipment by code authorities after the initial one fails due to items that are the responsibility of the contractor, or for assisting others inspecting equipment installed by others.

The contractor agrees to provide a dry and secure area adjacent to the hoistway(s) at ground level for storage of the elevator equipment at the time of delivery. Adequate ingress and egress to this area will also be provided. Any relocation of the equipment as directed by the contractor after its initial delivery will be at contractor's expense.

The contractor agrees to provide at no cost a crane to hoist elevator equipment as needed.

Composite clean up crews will not be provided. Elevator contractor will be responsible for own housekeeping.

All existing equipment removed by company shall become the exclusive property of company.

HYDRAULICS ONLY

A 30" X 30" blockout, or as otherwise indicated on shop drawings, in pit floor for jack hole properly located from building lines (if pit not installed) with adequate ingress and egress for mobile well drilling equipment. Access to pressurized water supply within 100 feet of hole (To be field coordinated). Removal of all dirt and debris accumulated during excavation of the jack hole to be by the General Contractor. Grouting and water proofing of blockout after jack is installed.

Owner/General Contractor agrees to provide a 4' X 4' opening in the elevator hoistway overhead, at the request of the local field office.

Should unusual conditions be encountered during excavation of jack hole, contractor will be notified immediately and written authorization to proceed shall be obtained by Subcontractor. The contract price shall be increased by the amount of additional labor at Subcontractor's usual billing rates, and the actual cost of any additional material plus 15%.