

## **MIDTOWN MIAMI NORTH BLOCK BUILDING SAMUEL ART GALLERY**

**Issue:** Vertical accessibility to the second floor of an art gallery.

**Analysis:** The applicant is requesting a waiver from providing vertical accessibility to the second floor of an art gallery that is undergoing a \$250,000 alteration. The first floor is fully accessible and contains a waiting room/showroom that is open by appointment only; a conference room for client use; a kitchenette for employee use only; accessible toilet facilities and a design studio/support space. This area is located on the second floor of the landlord's building and may be accessed by an elevator. The second floor will contain four offices and a staff work/conference area intended for second floor employees and is not open to the public.

### **Project Progress:**

The project is under design.

### **Items to be Waived:**

Vertical accessibility to the second level 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.

**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:** Midtown Miami North Block Building: Samuel Art gallery

**Address:** 3401 North Miami Avenue, Suites 238/239/240, Miami, Florida

**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:** Robert S. Fine, Esq., AIA

**Applicant's Address:** Greenberg Traurig, PA, 1221 Brickell Avenue, Miami, FL 33131

**Applicant's Telephone:** 305-579-0826      **FAX:** 305-961-5826

**Applicant's E-mail Address:** finer@gtlaw.com

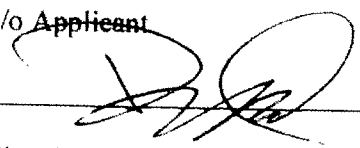
**Relationship to Owner:** Legal counsel

**Owner's Name:** North Block Office LLC/ Deborah Samuel

**Owner's Address:** c/o Applicant

**Owner's Telephone:** c/o Applicant      **FAX:** c/o Applicant

**Owner's E-mail Address:** c/o Applicant

**Signature of Owner:** \_\_\_\_\_  


**Contact Person:** Robert S. Fine, Esq., AIA

**Contact Person's Telephone:** 305-579-0826      **E-mail Address:** finer@gtlaw.com

This application is available in alternate formats upon request.

Form No. 2001-01

MIA 179,948,986v2 2/19/2008

**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.)

Art Gallery with gallery offices

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

Approximately \$250,000.

**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.

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

**Issue**

1: To the extent a waiver is necessary, § 553.509, Fla. Stat.; § 11-4.1.3(5), Florida Building Code (2004): Vertical accessibility to non-public upper level of an art gallery

**Issue**

2: \_\_\_\_\_

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.

Applicant believes that a waiver is not required and that project complies with Florida Accessibility Code. Since the building official has requested the project attain a waiver, we are applying for one.

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

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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.

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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. \_\_\_\_\_

b. \_\_\_\_\_

c. \_\_\_\_\_

**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 \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

Signature \_\_\_\_\_

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.

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.

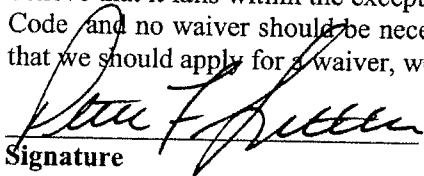
The project is a two-level art gallery being constructed in a two-story space that was originally intended for residential use. The lower (vertically-accessible) level contains 3,142 square feet. The upper level contains 958 square feet.

The lower level is comprised of a waiting room/showroom that is open by appointment only, a conference room for client use, a kitchenette for employee use only, accessible toilet facilities for clients and staff use, and a design studio/support space that is used for the development of brochures, marketing materials and general office use. The lower level space occurs at the second level of the landlord's building and may be reached via elevators at the common core locations.

The upper level is devoted to private offices (4) and a staff work./conference area intended for the users of the second level office and is not open to the public. The lower level contains a conference room and work areas for employees on the lower level and to the extent necessary, the public.

Because the second level is for the use of five persons or less and is not for public access, we believe that it falls within the exception set forth in section 11-4.1.3(5)(3) of the Florida Building Code and no waiver should be necessary. However, since the building official is of the opinion that we should apply for a waiver, we are so doing.

Signature

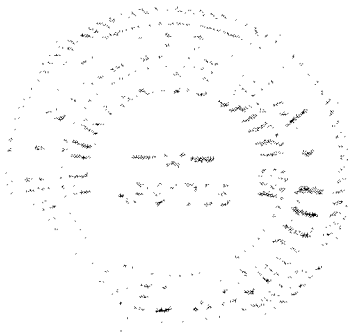


Printed Name

PETER F. SATTLER

Phone number (216) 363-0000

(SEAL)



**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. \_\_\_\_\_
- b. \_\_\_\_\_
- c. \_\_\_\_\_

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 \_\_\_\_\_

**Comments/Recommendation** \_\_\_\_\_  
\_\_\_\_\_

Jurisdiction \_\_\_\_\_

Building Official or Designee \_\_\_\_\_  
Signature

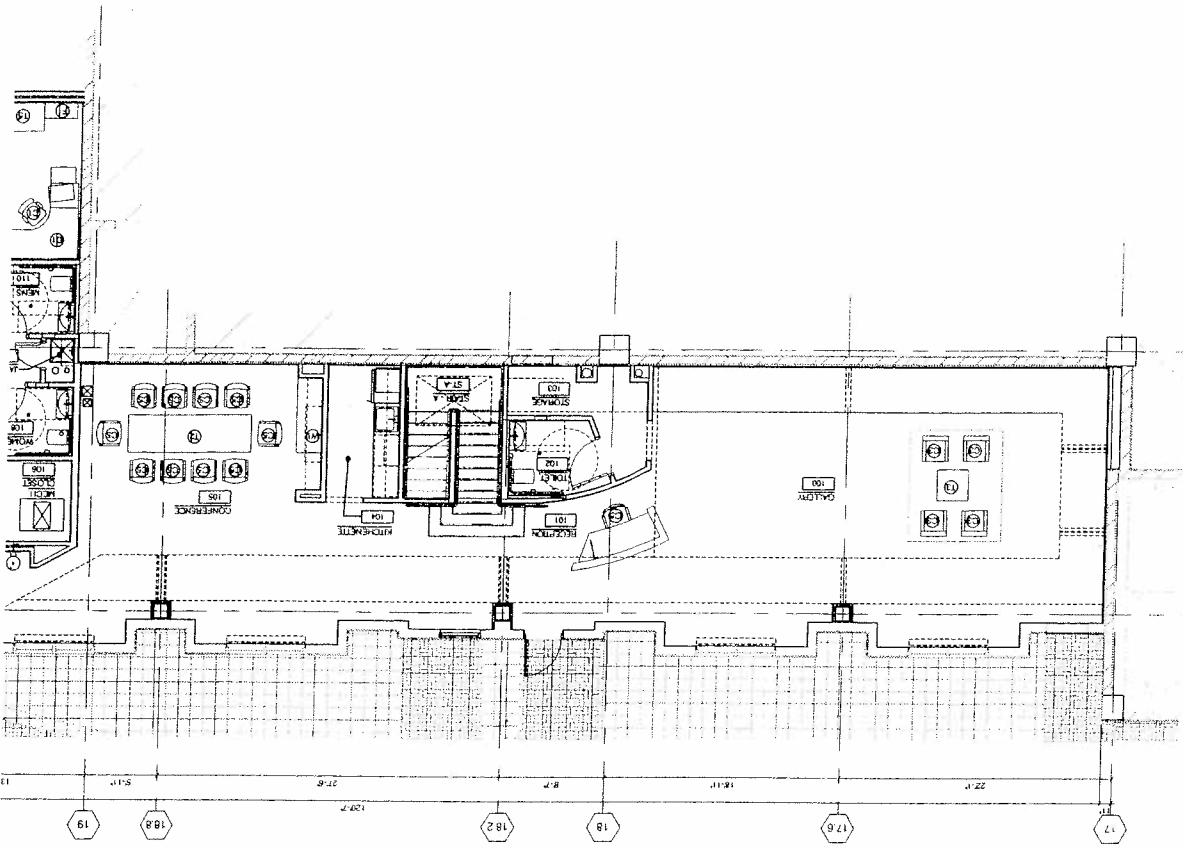
Printed Name \_\_\_\_\_

Certification Number \_\_\_\_\_

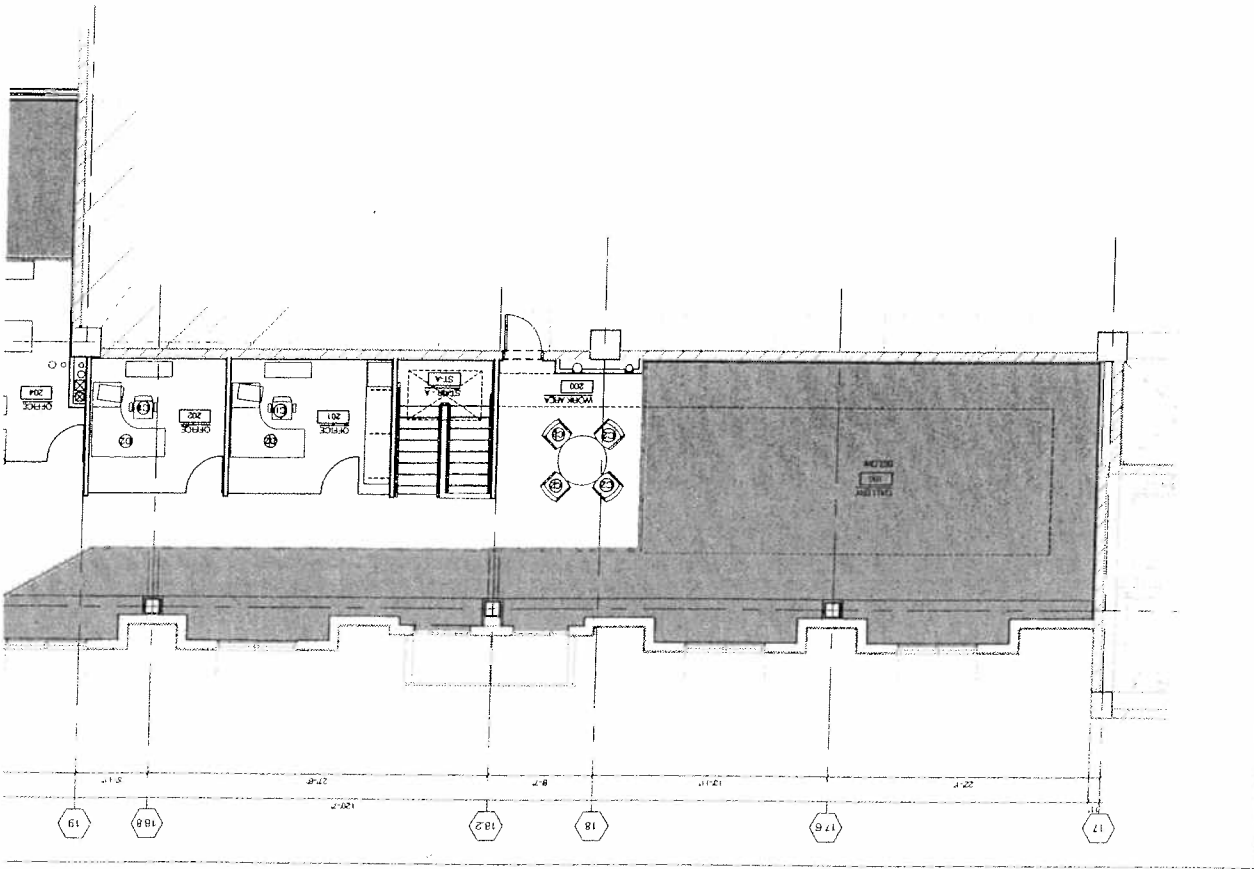
Telephone/FAX \_\_\_\_\_

Address: \_\_\_\_\_  
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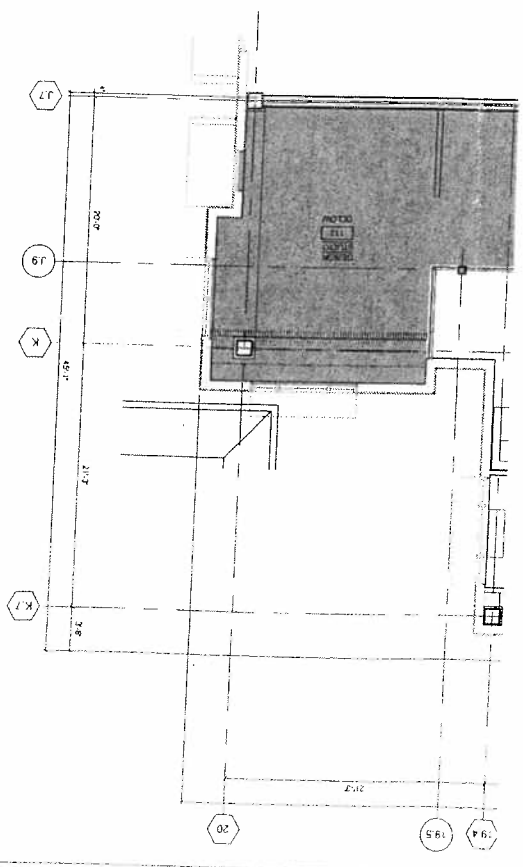
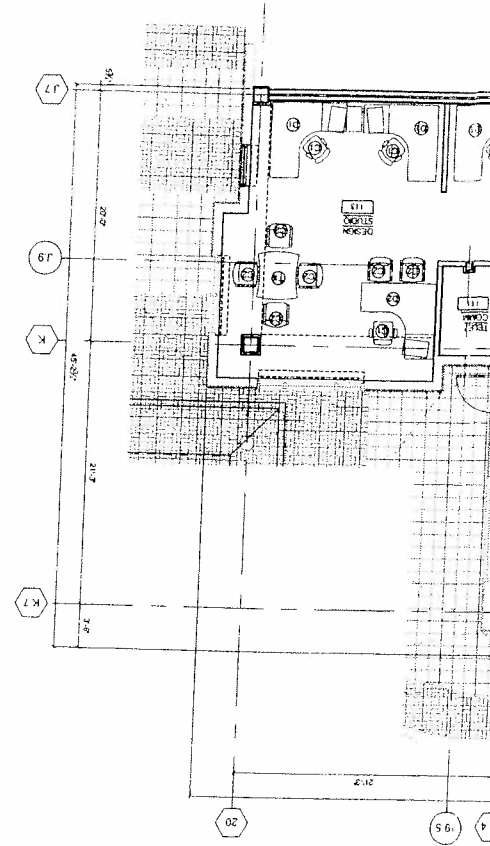
1 LOWER LEVEL PLAN  
SCALE 3/16" = 1'-0"



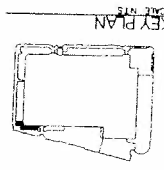
2 UPPER LEVEL PLAN  
SCALE 3/16" = 1'-0"







TO THE BEST OF THE ARCHITECT'S KNOWLEDGE AND BELIEF, THE PLANS AND SPECIFICATIONS COMPLY WITH THE CITY OF MIAMI BUILDING DEPARTMENT'S REQUIREMENTS AND REGULATIONS. THE ARCHITECT DOES NOT GUARANTEE OR WARRANT THE ACCURACY OF THE INFORMATION OR THE FITNESS OF THE PLANS FOR ANY PARTICULAR PURPOSE.



**GENERAL NOTES**

11. ALL FURNITURE SHOWN IS OWNER PROVIDED.

**FURNITURE SCHEDULE**

<p>1. Type: Chair          Item: 2 x 2 Solid Wood          Finish: 200 Fog Finish          Qty: 100</p>	<p>1. Type: Chair          Item: 2 x 2 Solid Wood          Finish: 200 Fog Finish          Qty: 100</p>
<p>2. Type: Chair          Item: 2 x 2 Solid Wood          Finish: 200 Fog Finish          Qty: 100</p>	<p>2. Type: Chair          Item: 2 x 2 Solid Wood          Finish: 200 Fog Finish          Qty: 100</p>
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<p>11. Type: Chair          Item: 2 x 2 Solid Wood          Finish: 200 Fog Finish          Qty: 100</p>	<p>11. Type: Chair          Item: 2 x 2 Solid Wood          Finish: 200 Fog Finish          Qty: 100</p>
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<p>20. Type: Chair          Item: 2 x 2 Solid Wood          Finish: 200 Fog Finish          Qty: 100</p>	<p>20. Type: Chair          Item: 2 x 2 Solid Wood          Finish: 200 Fog Finish          Qty: 100</p>

NEBLINER  
**IF-01**  
 02-18-08

**MEZZANINE FURNITURE PLANS**

**THE SHOPS AT MIDDOWN MIAMI - NORTH BLOCK TENANT BUILD OUT**  
 3401 North Miami Ave., Suite 208 208 and 209  
 Miami, FL 33127

SCALE: AS NOTED  
 WORK SHEET: 07-208  
 DRAWN BY: DFD  
 CHECKED BY: GAO

DATE: BY

PETER F. SPITLER REGISTERED ARCHITECT  
 F.L.O.C. NO. 001105

**FORUM**  
 Architects, LLC  
 1000 Brickell Ave., Suite 200  
 Miami, FL 33131  
 305.371.3333