

## **HORIZONS BY MARRIOTT**

**Issue:** Vertical accessibility to elevated play areas in a water park.

**Analysis:** The applicant is requesting a waiver to permit removal of two exterior lifts in a water park. According to the applicant, the lifts cost approximately \$58,000 and must be replaced at five year intervals because of conditions that cause them to deteriorate. As an alternative, the applicant would like to install one deck mounted water cannon immediately adjacent to the two elevated towers that would allow all guests to fire the cannon at the targets. Installation of the cannons would cost approximately \$20,000.

### **Project Progress:**

The project is in plan review.

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

Vertical accessibility to all levels, 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:** Horizons By Marriott

**Address:** 7102 Grand Horizons Blvd

Orlando, Florida 32821

**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:** David R. Leaman

**Applicant's Address:** 229 Rita Bee

**Applicant's Telephone:** 407-465-6286 **FAX:** \_\_\_\_\_

**Applicant's E-mail Address:** David.Leaman@vacationclub.com

**Relationship to Owner:** Sr. Engineer

**Owner's Name:** Horizons by Marriott Vacation Club Int.

**Owner's Address:** 7102 Grand Horizons Blvd., Orlando, Florida 32821

**Owner's Telephone:** 407-465-6100 **FAX** 407-465-6267

**Owner's E-mail Address:** Joanne.Goodman@vacationclub.com

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


**Contact Person:** Joanne Goodman

**Contact Person's Telephone:** 407-465-6100

**E-mail Address:** See above

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 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.)

\_\_\_\_\_

Interactive Waterpark , Recreation

\_\_\_\_\_

\_\_\_\_\_

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

\_\_\_\_\_ Approx. \$20,000 \_\_\_\_\_

**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  Completed\*

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

We would like to remove 2 ADA elevators and replace with surface mounted water cannons.

See Photos

\_\_\_\_\_

\_\_\_\_\_

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

**Issue**

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.

\_\_\_\_\_  
\_\_\_\_\_

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

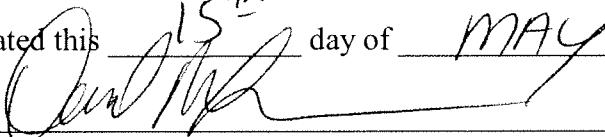
\_\_\_\_ Elevators need replacing due to weather and wear from water and elements(rust). Cost of replacement is approx. \$58,000 every 5 years. In first 6 1/2 years of operation, elevators have never been used. Not one request. We would install 1 deck mounted water cannon beside each tower to make accessible to all guests to shoot at the targets.

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.

**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 15<sup>th</sup> day of MAY, 2007



Signature

DAVID R. LEAMAN

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.



May 1, 2007

Mary-Kathryn Smith  
Department of Community Affairs  
Codes & Standards Section  
2555 Shumard Oak Blvd.  
Tallahassee, Florida 32399-2100

Dear Ms. Smith,

Thank you for returning my phone call and providing the useful information. I've enclosed our application for waiver for your review.

As we discussed, our water park has two ADA elevators, (see photos) attached to identical towers each housing five water cannons that our guest shoot at targets. During the past six and a half years, we have never had a call for their use. They are rusting and need to be replaced at a cost of about \$58,000.

We believe it would be a better expense for us to be allowed to remove the elevators and install deck mounted cannons that could be use by all guest, handicapped or not.

Please let me know when the commission meeting will be held and I will plan to attend to answer any questions.

Thank you,



David R. Leaman  
Sr. Engineer  
Horizons by Marriott Vacation  
[David.Leaman@vacationclub.com](mailto:David.Leaman@vacationclub.com)  
Phone 407-465-6286

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