

IMAGES AESTHETIC DENTISTRY

Issue: Vertical accessibility to the second floor of a dental office.

Analysis: The applicant is requesting a waiver from providing vertical accessibility to the 1,000 square foot second floor of an existing two story building. The facility is undergoing a \$600,000 alteration and the applicant stated the building department did not specify the need for vertical access during the plan review or permitting process. The application indicated the cost of an alteration to the primary function area is \$373,110 and that of that amount \$128, 446 has already been expended to make the area more accessible. Note: This building houses the office of a health care provider and thus is not eligible for the federal elevator exemption.

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.

Project Progress:

The project is under construction.

Items to be Waived:

Vertical accessibility as required by Section 553.509, F. S.

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.

**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: Images Aesthetic Dentistry

Address: 7700 Southwest 57th Avenue, South 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: Larry M. Schneider, AIA

Applicant's Address: 9319 NW 48 Doral Terrace, Miami, Florida 33178

Applicant's Telephone: 786-336-1984 FAX: 786-336-1985

Applicant's E-mail Address: Larry@LMSArch.net

Relationship to Owner: Accessibility Consultant

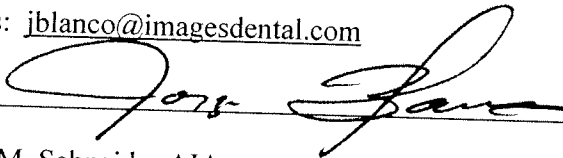
Owner's Name: Dr. Jorge R. Blanco

Owner's Address: Images Aesthetic Dentistry - 7400 North Kendall Drive, Suite 606, Miami, Florida 33156

Owner's Telephone: (305) 670-0352 FAX: 305 6703352

Owner's E-mail Address: jblanco@imagesdental.com

Signature of Owner: _____



Contact Person: Larry M. Schneider AIA

Contact Person's Telephone: 786-3361984 E-mail Address: Larry@LMSArch.net

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.)

The project is the interior construction and site work of an existing two story building. The buildings first floor area is approximately 2,220 square feet and the second floor area is approximately 1,000 square feet.

5. **Project Construction Cost (Provide cost for new construction, the addition or the alteration):** \$ 600,000

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.

During the construction of the project the building department raised the question of providing vertical accessibility to the second floor area. This was not identified during the plan review and/or permitting process.

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

Issue: Compliance with Section 553.509 Florida State Statutes

1:553.509 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,

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.

The issue of the requirement for providing vertical accessibility to all levels, as mandated by the Florida State Statutes, section 553.509 VERTICAL ACCESSIBILITY. This section states that - **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 habitable grade level, regardless of whether the guidelines require an elevator to be installed in such building, structure, or facility.** In addition section 553.512(1) states that the Florida Building Commission shall provide by regulation criteria for **granting individual modifications of, or exceptions from, the literal requirements of this part upon a determination of unnecessary, unreasonable, or extreme hardship,** provided such waivers shall not violate federal accessibility laws and regulations and shall be reviewed by the Accessibility Advisory Council. **Notwithstanding any other provision of this subsection, if an applicant for a waiver demonstrates economic hardship in accordance with 28 CFR §36.403(f)(1), a waiver shall be granted.** 28 CFR §36.403(f)(1) states that - alterations made to provide an accessible path of travel to the altered area will be deemed disproportionate to the overall alteration when the cost exceeds 20% of the cost of the alteration to the primary function area. The cost of this project is \$599,535 as indicated in the building cost breakout as provided by the contractor who is doing the work. Within those project costs the following numbers would not apply to the alteration costs to a primary function: demolition/hauling, roof trusses, roofing, stucco/tile screens/stone, electrical, insulation, painting, trash hauling, permits, supervision, general conditions and overhead and profit. These items add up to an amount of \$226,425. Thereby making the costs that would be considered for alterations to the primary function an amount of \$373,110. 20 percent of this amount would be \$74,622 and based upon the cost estimate provided by the contractor an amount of \$128,446 has been spent on accessibility compliance issues within the work for this project; which far exceeds the required 20 percent expenditure for accessibility compliance issues by 72 percent. In addition the contractor has estimated that the cost to provide vertical accessibility would be approximately \$75,000 in addition to the \$128,000 that was spent for accessibility compliance issues and this amount would further exceed the 20 percent requirement of the project costs of \$373,110. Therefore based upon the language of Florida State Statute 553.512(1) an economic hardship in accordance with 28 CFR §36.403(f)(1) has been demonstrated and a waiver shall be granted.

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

The issue of providing vertical accessibility to the second floor of this project is not technically feasible, is an extreme hardship on the project and is technically infeasible and unreasonable as allowed under the statute and in addition would not be required per Florida State Statute 553.512(1).

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.

See attached building cost breakdown by the contractor.

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. _____

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.

Under Florida State Statutes a waiver can be granted for one of the following reasons - a determination of unnecessary, unreasonable, or extreme hardship and furthermore as outlined under Florida Statute 553.512(1) an economic hardship in accordance with 28 CFR §36.403(f)(1) has been demonstrated. We believe that we would qualify under an unreasonable, an extreme hardship, as being technically infeasible and under the mandated waiver requirements of Florida State Statute 553.512(1). Therefore we concur with the reasoning as so stated under item 8.



Signature

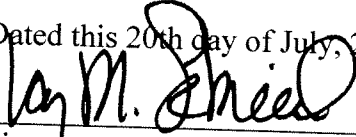
EDUARDO LLANO
Printed Name

Phone number: 305-446-1121
(SEAL)

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 20th day of July, 2007



Signature

Larry M. Schneider AIA
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. _____
- 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

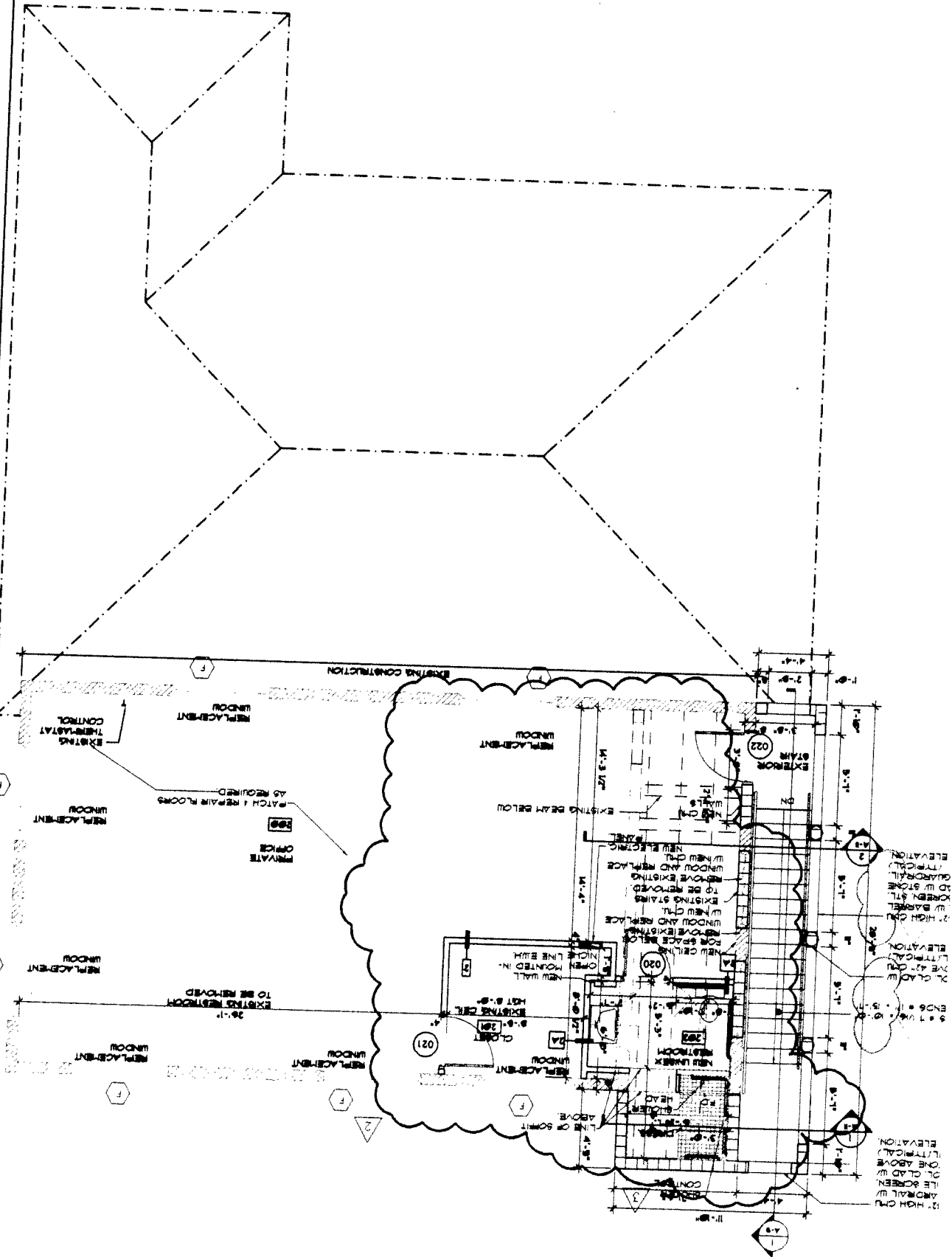
_____ Printed Name

_____ Certification Number

_____ Telephone/FAX

Address: _____

2 SECOND FLOOR PLAN INTERIOR



Sheet No. A-2

Revised:	DATE	BY
Checked:	DATE	BY
Drawn:	DATE	BY
Date:	08-10-08	AS NOTED
Scale:		
Coord. No.		

Second Floor
SECOND FLOOR PLAN
(INTERIOR)

EDUARDO LIANO
A.R.C.H.I.T.E.C.T

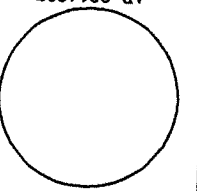
250 Calabash Ave Suite 507
Orlando, FL 32814

PHONE (407) 444-1121
FAX (407) 444-2883

Project Name:
DENTIST OFFICE

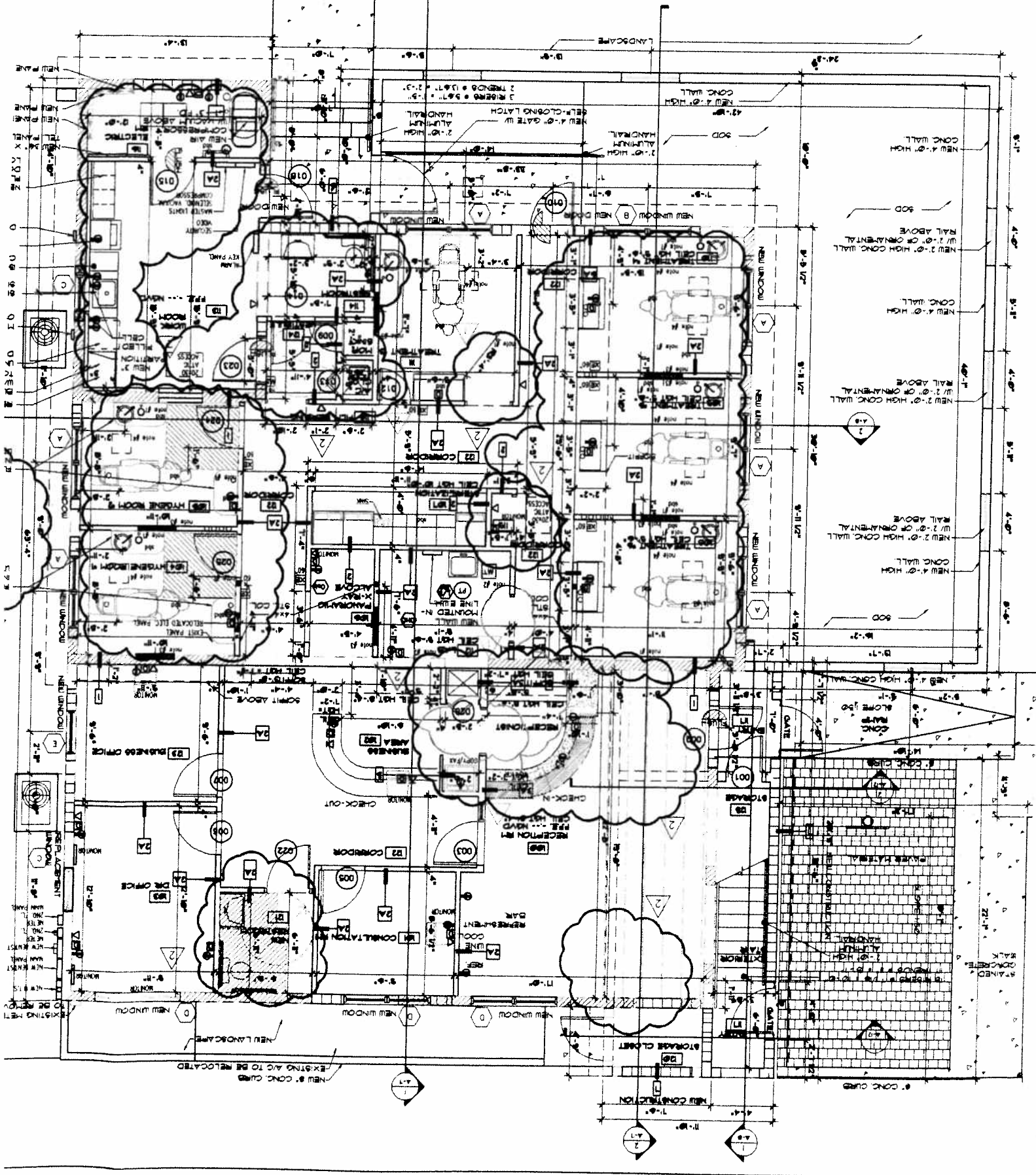
7700 S.W. 57th Avenue
South Miami, FL 33143

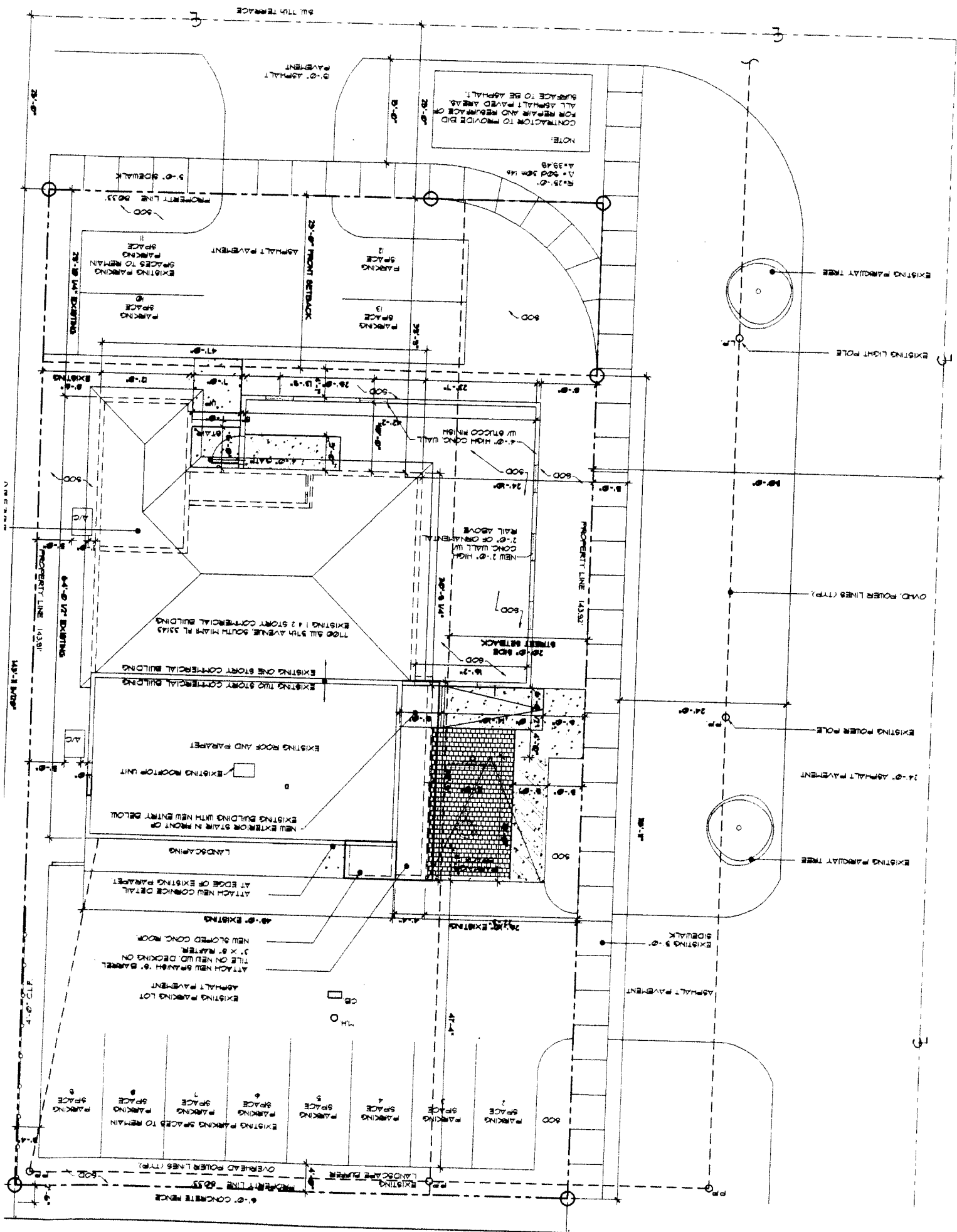
AR 0014867



1 FIRST FLOOR PLAN INTERIOR

NOTE: NO EXTERIOR WORK REQUI





NOTE:
 CONTRACTOR TO PROVIDE BID
 FOR REPAIR AND RESURFACE OF
 ALL ASPHALT PAVED AREAS.
 SURFACE TO BE ASPHALT.

EXISTING 1 1/2 STORY COMMERCIAL BUILDING
 7700 SUI 5TH AVENUE, SOUTH MIAMI FL 33143

EXISTING TWO STORY COMMERCIAL BUILDING

EXISTING ROOF AND PARAPET

NEW EXTERIOR STAIR IN FRONT OF
 EXISTING BUILDING WITH NEW ENTRY BELOW

LANDSCAPING

ATTACH NEW CONCOURSE DETAIL
 AT EDGE OF EXISTING PARAPET

NEW SLOPED CONC ROOF
 3" X 8" RAFTERS

TILE ON NEW W/D DECKING ON
 6" BARELL

ATTACH NEW GRANITE 6" PARAPET
 ASPHALT PAVEMENT

EXISTING PARKING LOT

EXISTING PARKING SPACES TO REMAIN

PARKING SPACE 1
 PARKING SPACE 2
 PARKING SPACE 3
 PARKING SPACE 4
 PARKING SPACE 5
 PARKING SPACE 6
 PARKING SPACE 7
 PARKING SPACE 8

EXISTING PARKING SPACES TO REMAIN

OVERHEAD POWER LINES (TYP.)

6'-0" CONCRETE FENCE

4'-0" HIGH CONC WALL
 W/ BRUCO FINISH

NEW 2'-0" HIGH
 CONC WALL W/
 1'-0" OF ORNAMENTAL
 RAIL ABOVE

26'-0" HIGH
 STREET SETBACK

EXISTING

EXISTING

EXISTING

EXISTING

EXISTING

EXISTING

EXISTING

EXISTING

EXISTING

PROPERTY LINE 143.50'

143'-3" EXISTING

170'-0" EXISTING

PROPERTY LINE 60.55'

60'-11" EXISTING

PROPERTY LINE 143.50'

EXISTING 5'-0" SIDEWALK

ASPHALT PAVEMENT

EXISTING 5'-0" SIDEWALK

ASPHALT PAVEMENT

EXISTING 5'-0" SIDEWALK

ASPHALT PAVEMENT

EXISTING PARQUAY TREE

EXISTING LIGHT POLE

OVERHEAD POWER LINES (TYP.)

EXISTING POWER POLE

24'-0" ASPHALT PAVEMENT

EXISTING PARQUAY TREE

EXISTING 5'-0" SIDEWALK

ASPHALT PAVEMENT

EXISTING 5'-0" SIDEWALK

ASPHALT PAVEMENT

EXISTING 5'-0" SIDEWALK

ASPHALT PAVEMENT