

**REQUEST FOR WAIVER FROM ACCESSIBILITY REQUIREMENTS  
OF CHAPTER 553, PART II, 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:** Daniel Davidson (owner), Grandioso Management, d/b/a The Temple House.

**Address:** 1415 Euclid Avenue, Miami Beach, FL. 33139

**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:** Daniel Davidson

**Applicant's Address:** 1415 Euclid Ave., Miami Beach, FL 33139

**Applicant's Telephone:** 786-280-6565

**Applicant's E-mail Address:** dan@TheTempleHouse.com

**Relationship to Owner:** Self

**Owner's/Tenant's Name:** Same as above

**Owner's Address** Same as above

**Owner's Telephone:** Same as above

**Owner's E-mail Address:** Same as above

**Signature of Owner:**



**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 Temple House is a mid 1930's Art Deco building (designed by L. Murray Dixon) of approximately 13,000 square feet over 2 floors that served as a temple for over 70 years. It was acquired (by myself) in 2003 and has been converted into a residence with a Bed & Breakfast and private, invite-only event space (assembly usage).*

5. **Project Construction Cost:**

*The current project consists of converting the existing private second floor outdoor residential pool deck into an assembly usage space that serves guests of the Bed & Breakfast as well as guests of private events (weddings, corporate events). This includes the addition of an ADA accessible door and ramp, addition of a 2-hour fire rated demising wall, as well as the addition of an emergency exit. The cost [EXCLUDING ADA POOL ACCESS ADDRESSED HERE] is currently estimated at \$10,000 or less and is being done on a cost-plus basis by the contractor.*

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.

*The project for the reclassification of the residential outdoor pool deck to Bed & Breakfast and assembly usage is currently underway. We were intending to submit a revision to the plans for the City of Miami Beach so we could salvage the existing pool (instead of turning it into a water feature or planter box). However, after much research with providers/manufacturers of accessibility equipment (including but not limited to Global Lift Corp., Aqua Creek, Aquatic Access, S.R. Smith and others) as well as numerous engineers and consultants, we were told by all parties that there is no commercially available product that would safely transport an individual from the deck to the above grade pool (to clear a 6 foot vertical wall, and laterally 9 feet 4 inches from the starting point to the point of relocation). Alternatively, we have explored demolishing portions of the above ground pool, but preliminary indication with the contractor and engineer is that the cost would exceed 600% of the total project under consideration.*

*We are therefore seeking a waiver for ONLY the ADA accessibility of the pool. The pool deck will be accessible per the plans. All other commercial and safety work we intend to complete. However structural, technical and financial limitations preclude us from providing ADA pool access for the Bed & Breakfast and assembly usage.*

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

**Issue**

*We are ONLY seeking an exemption from the requirement to comply with the ADA accessibility requirement for the pool as there are structural, technical and financial limitations. We are willing to comply with ALL other commercial and safety requirements.*

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.

[X] The hardship is caused by a condition or set of conditions affecting the owner which does not affect owners in general.

*Despite all good faith efforts to comply with ADA accessibility the unique structure of the pool (surround by three walls and over 6 feet above grade) and inset by a 5 foot structural concrete wall makes it structurally, and technically impossible to comply with current requirements. Owner has researched Global Lift Corp., Aqua Creek, Aquatic Access, S.R. Smith, All Florida Pool & Spa and others. None of the companies offer a solution for this unique problem.*

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

*No current product or technology exists that can address the current obstacles. A demolition/removal of large portions of the pool would be required if determined to be structurally feasible by the engineer. As the costs are expected to exceed 600% of the total project cost the current finances of the Bed & Breakfast/business make this not only impractical but impossible.*

[X] 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.

*The owner (Daniel Davidson) is an ex emergency medical service provider who subsequently studied genetics. Davidson has a unique appreciation for the hardships of those with disabilities. He has gone to great lengths to attempt to comply with existing requirements. Not one of the manufacturers provides a solution. Sadly, this is essentially an impossibility despite diligence, hard work, and many dollars expended to research all possible alternatives.*

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.

***Handicapped accessibility vendors are incapable of submitting cost estimates as there are no products that are available for this unique situation. Owner has researched Global Lift Corp., Aqua Creek, Aquatic Access, S.R. Smith, All Florida Pool & Spa and others. None of the companies offer a solution for this unique problem. Preliminary calculations by the contractor to demolish 30% of the pool and restructure indicate a cost that would exceed 600% of the current project cost.***

**CERTIFICATION OF APPLICANT:**

I hereby declare 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 First day of July, 2014



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Signature

Daniel L. Davidson

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Printed Name

I understand that if I falsify, misrepresent, or omit any material information on this document, the Commission may revoke any order and will notify the building official of the permitting jurisdiction.

KNOWINGLY MAKING A FALSE STATEMENT IN WRITING WITH THE INTENT TO MISLEAD A PUBLIC SERVANT IN THE PERFORMANCE OF HIS OFFICIAL DUTY IS A MISDEAMEANOR OF THE SECOND DEGREE PURSUANT TO SECTION 837.06 F.S. AND SECTION 775.083, F.S.