

LAKESHORE RESERVE AT GRANDE LAKES

Issue: Vertical accessibility to the second floors of some townhouses in a timeshare project.

Analysis: The applicant is requesting a waiver from providing vertical accessibility to the second floor of two story townhouses in a timeshare project. The project will consist of six phases, each of which will contain a five story building. Some units within the building will be single story and will be accessed by an elevator. The project will also contain three types of townhouses, none of which has a second floor accessible by elevator. If the project was subject only to Fair Housing requirements, the townhouses would be exempt; however, Section 11-9 of the FBC includes timeshare projects licensed under Chapter 509, F.S. Property owners may not be assigned the same unit each time they visit the project, but are guaranteed the use of the type of unit purchased, e.g. 3 bedrooms etc.

Project Progress:

The project is in plan review.

Items to be Waived:

Vertical accessibility to the second floor of townhouses, 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: Lakeshore Reserve @ Grande lakes

Address 11172, 11190, 11142, 11160 & 11300 Lakeshore Reserve Drive
Orlando, Florida 32837

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: Marriott Vacation Club International

Applicant's Address: 6649 Westwood Blvd.
Suite 500
Orlando, Florida, 32821

Applicant's

Telephone: 407-513-6845, cell 407-552-1457

FAX: n/a

Applicant's E-mail Address: Al.Morelock@vacationclub.com

Relationship to Owner: Project Manager for MVCI

Owner's Name: Marriott Vacation Club International (MVCI)

Owner's Address: 6649 Westwood Blvd.

Suite 500
Orlando, Florida, 32821

Owner's Telephone: 407-513-6845 Cell: 407-552-1457 **FAX:** n/a

Owner's E-mail Address: Al.Morelock@vacationclub.com

Signature of Owner:



Contact Person: Al Morelock

Contact Person's Telephone: 407-513-6845

Email Address: Al.Morelock@vacationclub.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.)

Lakeshore Reserve @ Grande lakes is a Timeshare project, The project design provides for two primary types of timeshare units they are:

Flat units located in five story buildings, with elevators
2-story Town home units, no elevator

The subject structure is a two story dwelling unit (townhome) which comprises one of six unit types provided in within a 340 timeshare project. The project will be built in six phases, each phase will have a 5-story building with flat units, containing a least one ADA complaint unit, in addition the phase will have a series of two story townhomes.

The townhome unit has three variations they are:

Unit E: a two bedroom unit, with all bedrooms located on upper level & powder room on ground level
1,366 gsf, (level 1= 683 gsf, level 2 = 683 gsf)

Unit F, a three bedroom unit, with two bedrooms located on upper level & one bedroom on ground level
1,827 gsf, (level 1= 913 gsf, level 2 = 913 gsf)

Unit F1, a three bedroom unit, with a ADA accessible master bedroom & Bath on the ground level & two bedrooms on the upper level
1,827 gsf, (level 1= 913 gsf, level 2 = 913 gsf)

Though 2-story dwelling units are exempt from the Fair Housing Act, the first level of each townhome has been designed to meet the criteria of the Fair Housing; in addition Unit type F1 has been designed with lower entry level complying with ADA requirements by providing an ADA accessible master bedroom & bath on the entry level.

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

Phase I construction cost is estimated at **\$42 M**

Forty-Two Million Dollars

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.

Orange County Building & Zoning Department is seeking confirmation of the following:
It is SB Architects interpretation that the 2-story town home units comply with Florida Statutes 553.509, "vertical accessibility shall be provided to all levels above & below the occupiable grade level" because it complies with exception 3.
Exception 3 applies if the following conditions are in place:

1. Occupiable spaces & rooms that are not open to the public
 - a. The town home units are private not public, the public cannot just enter the town home on their own.
2. The level houses no more than five persons
 - a. Per chapter 10 of the Florida Building Code, the occupant load on the second floor is less than 5 based on the listed gross square footage of 200 sf per occupant as listed in chart 1003.1
 - b. Second level is less than 720 (net) sf resulting in an occupant load of 3.65 (4)
3. The ground floor of each town homes meets the requirement of ADA & Fair Housing Act with respect to a 2-story dwelling units

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

Issue:

Florida Statutes 553.509, which states that "vertical accessibility shall be provided to all levels above & below the occupiable grade level", should not be applied due, since the project complies with exception **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.

We are seeking confirmation/waiver for our (SB Architects) interpretation that the 2-story town home units comply with Florida Statutes 553.509, "vertical accessibility shall be provided to all levels above & below the occupiable grade level" because it complies with exception 3. Exception 3 applies if the following conditions are in place:

1. Occupiable spaces & rooms that are not open to the public
 - b. The town home units are private not public, the public cannot just enter the town home on their own.
2. The level houses no more than five persons
 - c. Per chapter 10 of the Florida Building Code, the occupant load on the second floor is less than 5 based on the listed gross square footage of 200 sf per occupant as listed in chart 1003.1
 - d. Second level is less than 720 (net) sf resulting in an occupant load of 3.65 (4)
3. The ground floor of each town homes meets the requirement of ADA & Fair Housing Act with respect to a 2-story dwelling units

For clarification there are 74 at grade townhome units & 266 flat units located in seven, 5-story buildings, each 5-story building is provided with vertical access to all levels, within the 5-story buildings there is a mixture of ADA accessible flat units.

The townhome units have three units' types:

Unit E which is a two bedroom unit, bedrooms located on upper level

Unit F which is a three bedroom unit, 2 bedrooms located on upper level & 1 bedroom located on ground level

Unit F1 which is a three bedroom unit, with a ADA accessible bedroom & bath on the ground level.

In addition to the design being in compliance with Fair Housing, ADA guidelines & Florida Statutes the property provides an added layer of compliance through a float program. Each purchaser will be deeded a Timeshare estate that corresponds with a specific unit and unit week. The Timeshare Estates are subject to Floating time usage. The property has ADA complaint 1, 2 & 3 bedroom units located in 5-story buildings, which float with the town homes. When a property Owner arrives at the property they are assigned to either the flat or town home unit that meets their purchased unit size.

Within phase I

Unit E will float with Unit Type C-ADA which is located in Building A

Unit F will float with either Unit F1 (townhome) which has a ADA complaint bed & bath on level 1, or if they desire to have accesses to all bedrooms they can be placed in Unit Type D-ADA which is located in Building B

As phase II-VI are built out additional ADA units will be provided within the 5-story buildings located in these phase to keep the percent of ADA units in compliance with ADA guide lines.

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

N/A

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.

N/A

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. N/A

b. N/A

c. N/A

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.

SB Architects was engaged by Marriot Vacation Club to design their current Timeshare project, Lakeshore Reserve @ Grande lakes located in Orlando, Florida, this project is designed for timeshare use where each purchaser will be deeded a Timeshare estate that corresponds with a specific unit and unit week. The Timeshare Estates are subject to Floating time usage. When a property Owner arrives at the property they are assigned to either the flat or town home unit that meets their purchased unit size.

The Florida Building Code lists timeshare as R2 under "use & occupancy classification, when listed under R2 the project is required to be in compliance with the Fair Housing Act. Chapter 11 of the Florida Building Code does not list Timeshare share but references timeshare use in what is defined as Resort Condominium which requires the project to be in compliance with ADA Guidelines. Currently the project units are designed to comply with both the Fair Housing Act & ADA Guidelines, all public spaces of the resort are designed to comply with ADA requirements.

The project design calls for 340 unit timeshare using two types of units. The first unit type is a flat unit, at final build-out the project will have 266 flat units located in seven, 5-story buildings, each 5-story building is provided with vertical access to all levels. Within the 5-story buildings there is a mixture of ADA accessible 1, 2 & 3 bedroom flat units.

The second unit type is a 2-story at-grade townhome unit, at final build-out there will be 74 townhome units in the project (22 % of the resort)

The townhome unit has three variations which are:

Unit E, a two bedroom unit, with all bedrooms located on the upper level

Unit F, a three bedroom unit, with two bedrooms located on the upper level & 1 bedroom located on the ground level

Unit F1, a three bedroom unit, with an ADA accessible bedroom & bath on the ground level & two bedrooms on the upper level

Though 2-story dwelling units are exempt from Fair Housing Act, the first level of each townhome has been designed to meet the criteria of the Fair Housing; in addition Unit type F1 has been designed with lower entry level complying with ADA requirements by provided an ADA accessible bedroom & bath on the entry level.

In addition to the design being in compliance with Fair Housing, ADA guidelines & Florida Statues the property provides an added layer of compliance through a float program. Each purchaser will be deeded a Timeshare estate that corresponds with a specific unit and unit week. The Timeshare Estates are subject to Floating time usage. The property has ADA complaint 1, 2 & 3 bedroom units located in 5-story buildings, which float with the town homes. When a property Owner arrives at the property they are assigned to either the flat or town home unit that meets their purchased unit size.

Within phase I

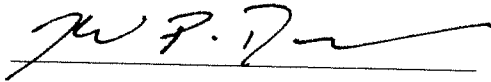
Unit E will float with Unit Type C-ADA which is located in Building A

Unit F will float with either Unit F1 (townhome) which has an ADA complaint bed & bath on

level 1, or if they desire to have accesses to all bedrooms on one level they can be placed in Unit Type D-ADA which is located in Building B

As Phase II-VI are built out additional ADA units will be provided within the 5-story buildings to keep the percent of ADA units in compliance with ADA guide lines & the same floating policy will be applied.

Based on the above listed information, We are in support of MVCI request for waiver from Florida Statutes 553.509 for the two story townhomes located within this project, as we believe exception 1 applies to the 2-story townhomes. In addition the project design provides for the needs of disable users in a number of housing opportunities that are fair & equal to non-disable users of the resort.



Kevin P. Dunn, AIA
SB Architects
Printed Name

Signature

Phone number: 305-856-2021


Email: kdunn@sb-architect.com

(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 _____ day of _____, 20_____


Signature _____

AL Morelock
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. FBC 11-4.1.3(5)- Upper levels/stories of accessible townhouse style units are not accessible.
- b. F.S. 553.509(1) - Upper levels/stories of accessible townhouse style units are not accessible.
- 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 Recommends approval

Jurisdiction Orange County

Building Official or Designee Alan C. Plante 
Signature

Alan C. Plante
Printed Name

BU0000714
Certification Number

(407) 836-2919/(407) 836-5489
Telephone/FAX

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