

CONGO RIVER GOLF

Issue: Vertical accessibility to all holes of a miniature golf course.

Analysis: The applicant is requesting a waiver from providing vertical accessibility to 9 holes of a new, \$600,000 18-hole miniature golf course. According to the applicant, site constraints as well as financial considerations prevent making the entire course fully accessible. 9 holes have been made accessible, including elevated areas and incorporated into the design are two pin placement areas per hole to allow the experience of an 18 hole course. Auxiliary buildings including a club house and arcade are fully accessible.

Project Progress:

The project is in plan review.

Items to be Waived:

Vertical accessibility to all holes of a miniature golf course, 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 _____ Congo River Golf _____
Address: _____ 812 E. Brandon Blvd _____
_____ Brandon, FL 33511 _____

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: _____ Adventure Golf Design & Development, Inc. _____
Applicant's Address: _____ 13721 S West Bay Shore Drive, Traverse City, MI 49684 _____
Applicant's Telephone: _____ (231) 941-9005 _____ **FAX:** _____ (231) 941-4952 _____
Applicant's E-mail Address: _____ tyson.vozza@congoriver.com _____
Relationship to Owner: _____ Developer of Property _____
Owner's Name: _____ Congo River Golf _____
Owner's Address: _____ 13721 S West Bay Shore Drive, Traverse City, MI 49684 _____
Owner's Telephone: _____ (231) 941-9005 _____ **FAX** _____ (231) 941-4952 _____
Owner's E-mail Address: _____ tyson.vozza@congoriver.com _____
Signature of Owner: _____  _____
Contact Person: _____ Tyson Vozza _____
Contact Person's Telephone: (407) 247-4411 **E-mail Address:** tyson.vozza@congoriver.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.)

__18 Hole Miniature Golf Course facilities, with Building Cluster (Village Concept) to include Golf Clubhouse, at 288 Square feet, and a Party Room/Arcade/Restrooms of 612 Square feet. Buildings use: Club rental facility, Educational/Birthday Party Rooms, Arcade and Gift shop

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

\$600,000.00 (Six Hundred Thousand 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.

__Request waiver from the Accessibility requirements for 9-Holes of the Miniature Golf facility due to the Elevation of play, restrictions of the site area, and Construction cost.

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

Issue

Request waiver by petitioner Congo River Golf, and Adventure Golf Design & Development before the State of Florida Building Commission in accordance with Chapter 553, 553.512 (1) Florida Statute, and Florida Administration Code R. Ch. 9B-7. Seeking waiver for new construction of 18 Hole Miniature Golf Course facility found in 553.509 Florida Statute, which states vertical accessibility to all levels above and below the occupiable grade level. Application of these requirements to all 18 holes would constitute an unreasonable hardship because of site size limitations and the financial costs of acquiring adequate land.

Vertical accessibility will be provided to allow full inclusion for persons with disability to 9 holes of the miniature golf course. In addition, alternate pin/hole placements (two pin placement per hole) will allow a golfing experience for a total of 18 holes of play.

All other facilities/buildings onsite comply with the accessibility requirements of the Florida Building Code.

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.

Construction unique, course requires extreme gains in elevation, as compared to general type of construction (i.e. Restaurant/Hotels), site size/limitations and cost of acquiring adequate land would not be feasible to create landscape features, unique hole layouts, and water features required to be successful (competitive) in this market.

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

Engineering fees, Land Appraisals, Legal fees, Accounting, and Design fees required to develop properties in this market are required up front and could eliminate our ability to compete and acquire/ (develop) additional properties in this market. Contractual obligations and fees already paid will create a financial stress on our company. Larger property costs required to be in full compliance would not be feasible in this market, and could eliminate our ability to compete with other competitors.

[] 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.

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. _____

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.

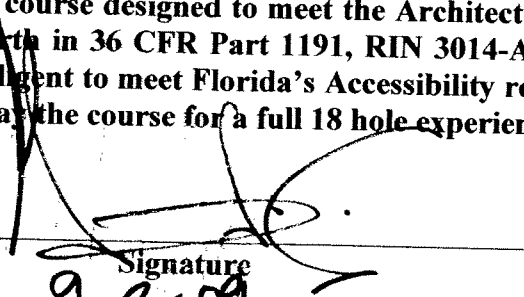
In designing many of these facilities of similarity to this miniature golf course, I feel that the owners of Congo River Golf give special attention to every player regardless of their abilities. The developers of these facilities understand that their success lie in the consumer's interest and activity. As a designer, our firm has been asked to develop a course layout that will give a person with disabilities a complete 18 hole course layout in 9-holes. Our strategy is two-pin placement per hole, as well as create barriers and hazards for creative play.

The patron can play the first nine holes twice, using the alternative pin placement and have a completely different second round of play. Additionally, we have used the existing accessibility (allowable slope 1:12) and have created up and down slope play that allows persons with disability a challenge that can be traversed. Most impressive about this developer is the things that you don't notice in the holes. This is the cave experience, the waterfalls, the lagoon, and other features that are placed as thematic items that are specifically designed to give every patron an experience of thrill and excitement.

In my professional opinion it would not be feasible nor marketable to construct a facility in

this market if required to purchase property of size required to design all 18 holes accessible.

A course designed to meet the Architectural and Transportation Barrier Compliance as set forth in 36 CFR Part 1191, RIN 3014-AA16 section 15 should be accepted as Owners due diligent to meet Florida's Accessibility requirements, and 9-holes accessible with a return to play the course for a full 18 hole experience should be accepted.



Signature

Glen L. Craig
Printed Name

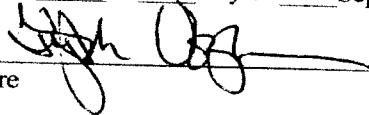
9-2-09
Phone number (428) 595-1563

(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.

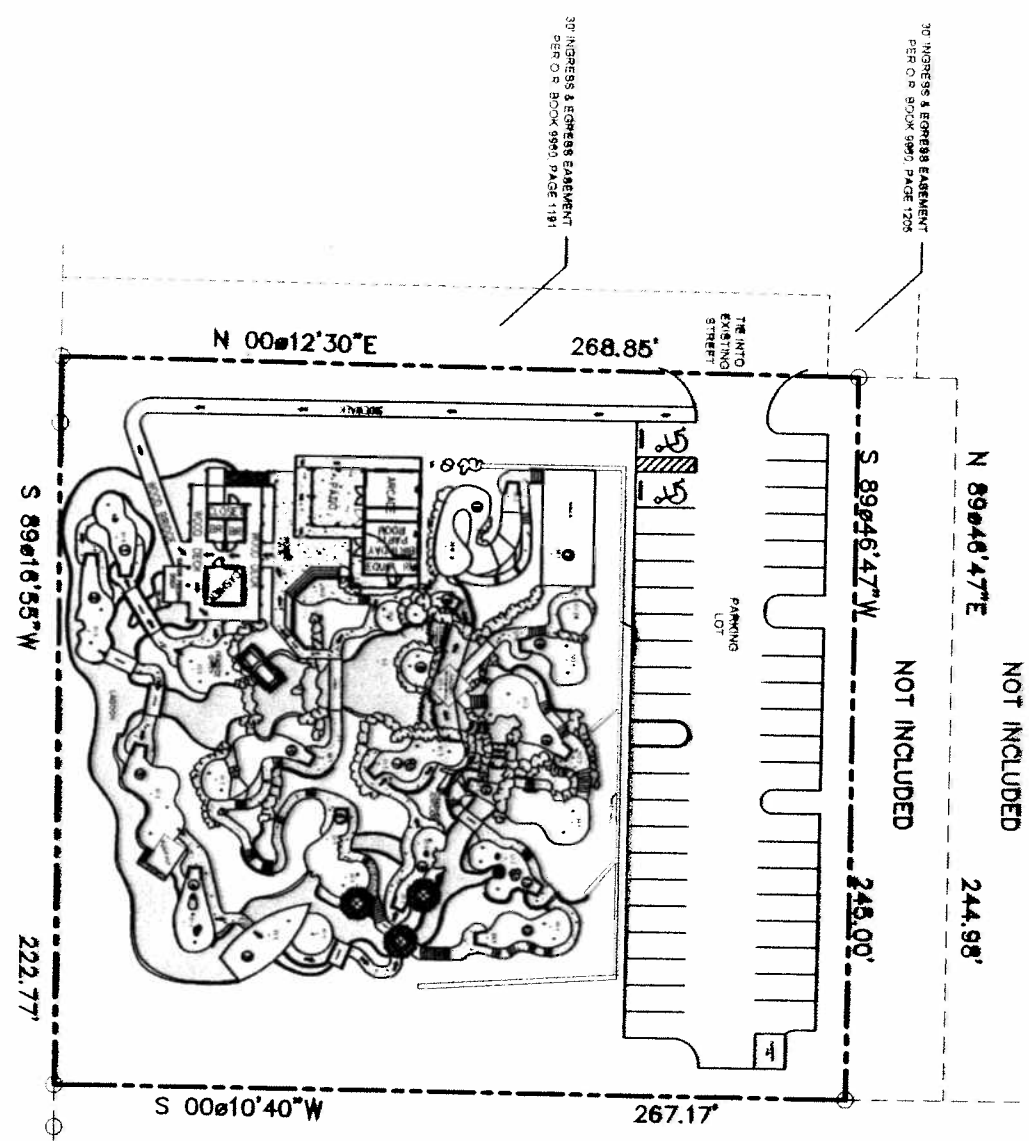
Dated this _____ 1st _____ day of _____ September _____, 2009 _____



Signature

Tyson Vozza
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.



30' INGRESS & EGRESS EASEMENT
PER O.P. BOOK 9903, PAGE 1205

30' INGRESS & EGRESS EASEMENT
PER O.P. BOOK 9903, PAGE 1191

NOT INCLUDED
N 89°46'47\"/>

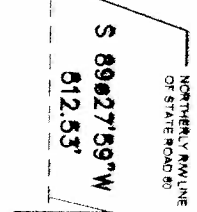
PROPOSED SITE PLAN
SCALE: 1" = 20'-0"

STATE ROAD 60

Developer
Adventure Golf Design
& Development, Inc.
Owner/Developer: Giorgio Vozza
Corporate Office
13721 West Bay Shore Drive, Suite A
Tallahassee, Florida 32310
351/941-9005 FAX 351/941-4952

GENERAL NOTES:
INTENDED USE OF THIS PROPERTY
IS FOR OUTDOOR RECREATION
WITH MINIATURE GOLF, ARCADE
AND BIRTHDAY PARTY ROOM
REQUEST FOR A SPECIAL EXCEPTION
TO ALLOW OUTDOOR PERMANENT
AMUSEMENT AND RECREATION
ACTIVITY

SITE DATA:
TOTAL SITE AREA: 9,444 SQUARE FEET
BUILDING AREA: 4,052 SQ. FT.
TOTAL SQUARE FEET: 900 SQ. FEET
HEIGHT OF BUILDING: 22 FEET FROM GRADE
HEIGHT OF MINIATURE GOLF COURSE: 15 FEET
ABOVE GRADE
PARKING (2) HANDICAP PARKING PROVIDED, &
(39) 9'x20' PARKING SPACES PROVIDED
ALL OTHER FACILITIES/BUILDINGS ON-SITE
COMPLY WITH THE ACCESSIBILITY REQUIREMENTS
OF THE FLORIDA BUILDING CODE



- LEGEND:**
- ➔ DEVOTES PATH OF ACCESSIBILITY HOLES #1-8
 - ⊙ DEVOTES NUMBER OF GREEN



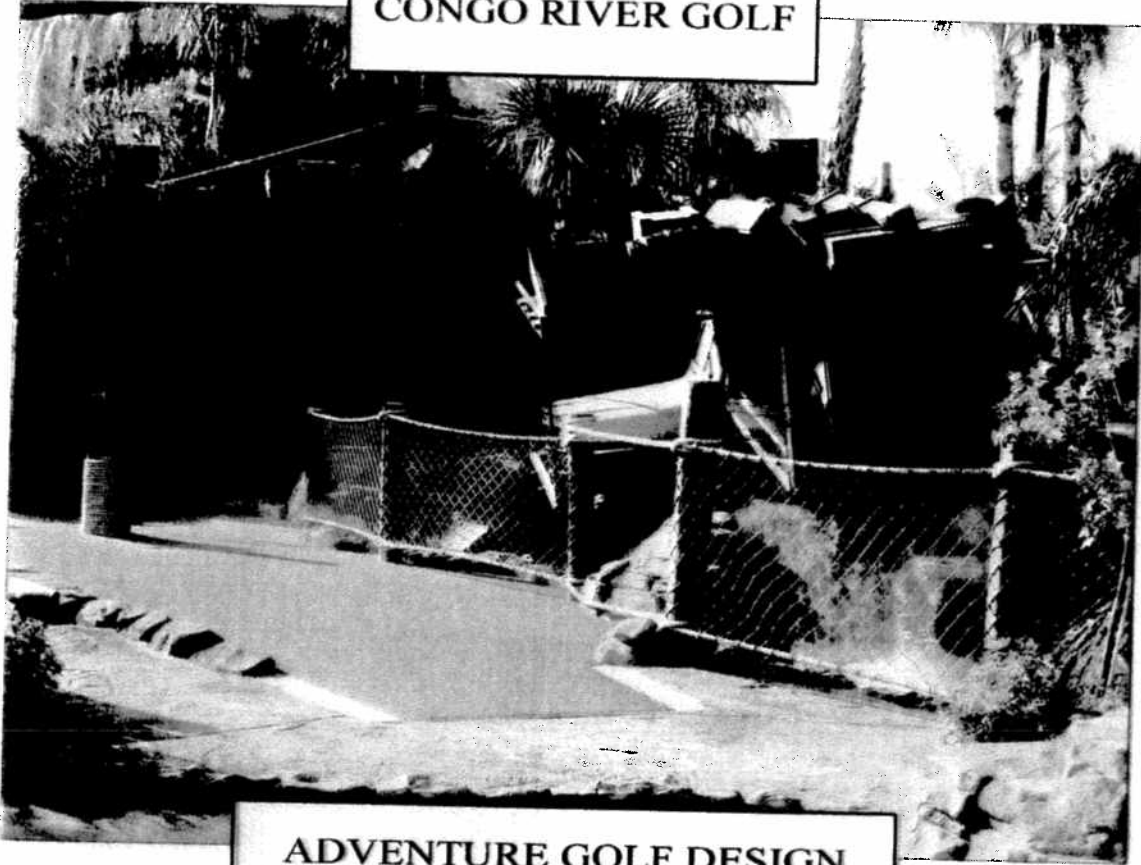
CONGO RIVER GOLF
SITE PLAN
812 E. BRANDON BLVD
BRANDON, FLORIDA

CONGO RIVER GOLF
SITE PLAN



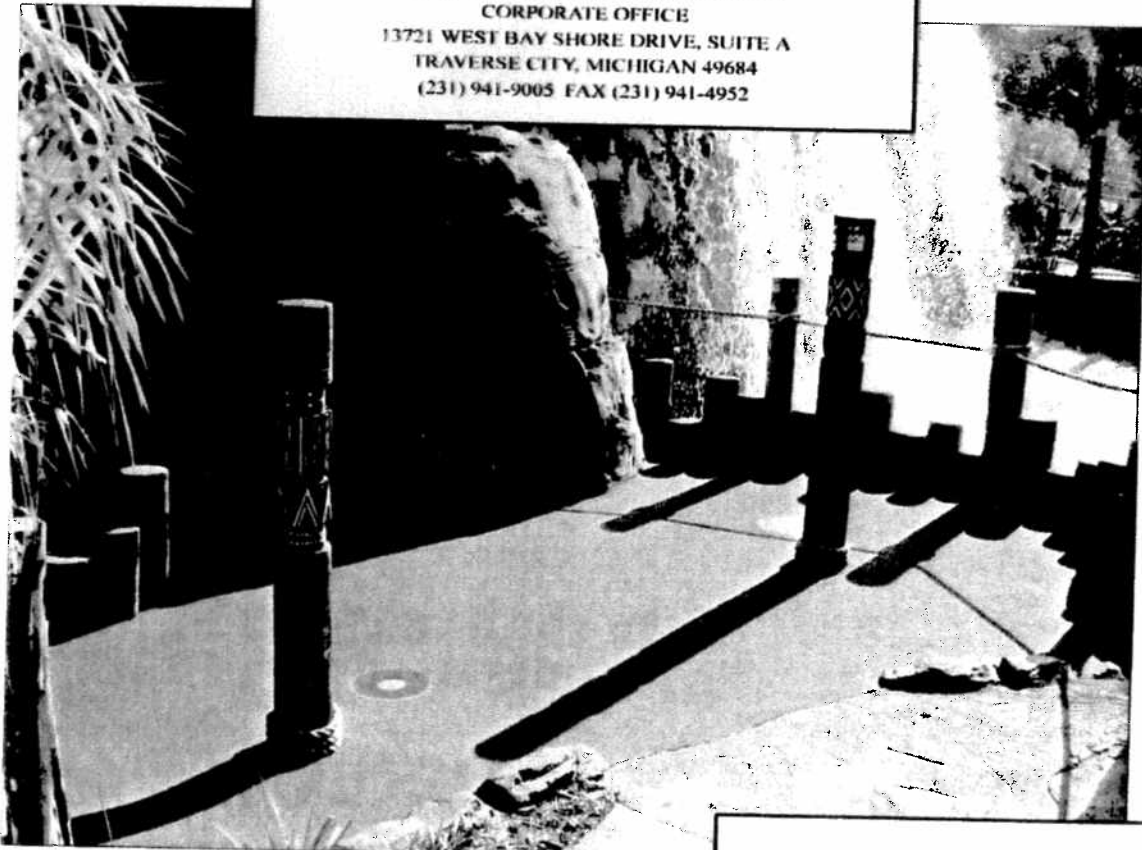
DATE: 11/11/11
DRAWN BY: BRANDON G. CRAIG
CHECKED BY: BRANDON G. CRAIG
SCALE: 1" = 20'-0"
SHEET: L-1

CONGO RIVER GOLF



**ADVENTURE GOLF DESIGN
& DEVELOPMENT, INC.**

OWNER/DEVELOPER: GIORGIO VOZZA
CORPORATE OFFICE
13721 WEST BAY SHORE DRIVE, SUITE A
TRAVERSE CITY, MICHIGAN 49684
(231) 941-9005 FAX (231) 941-4952



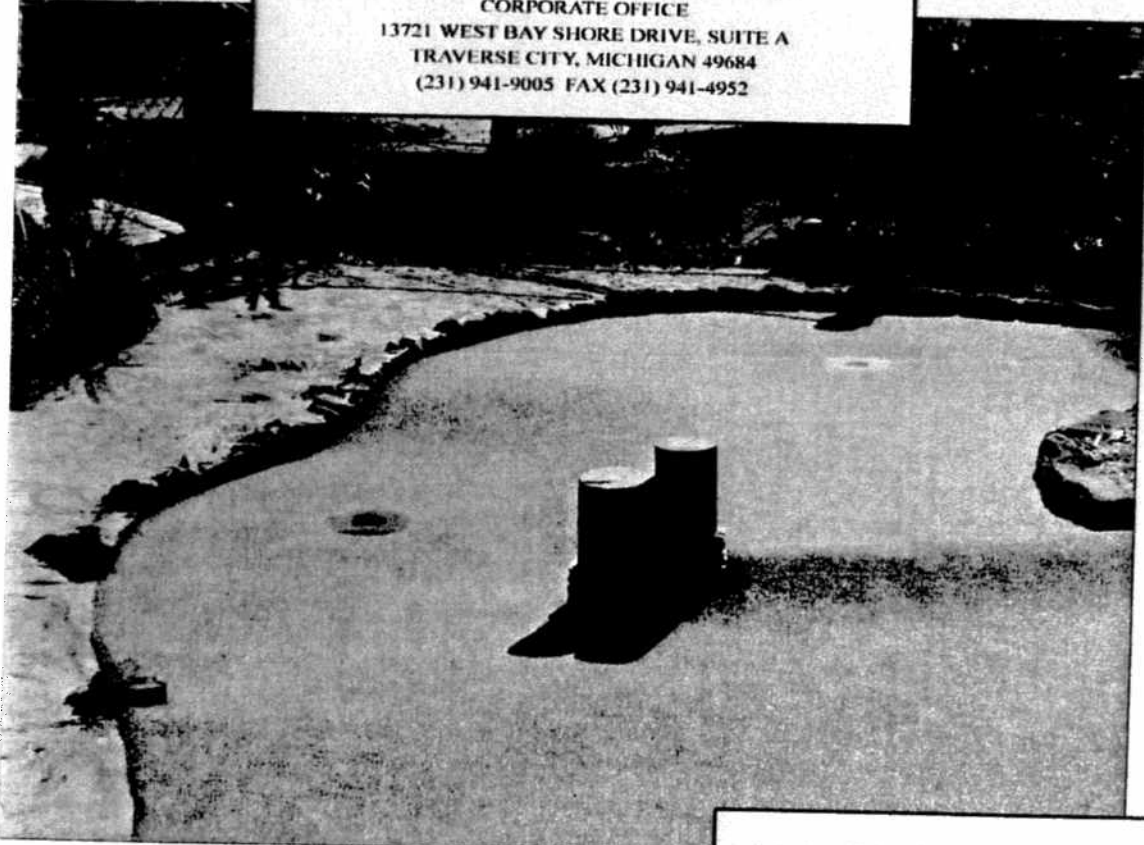
**ACCESSIBLE MEANS OF
INGRESS/EGRESS**

SOUTHERN GARDEN DESIGN, INC.

413 SPEARS AVE. CHATTANOOGA, TN 37405
(423)595-1563 FAX (866)855-1065
FLORIDA LICENSE # LA0001443



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TRAVERSE CITY, MICHIGAN 49684
(231) 941-9005 FAX (231) 941-4952

**TWO HOLES PER GREEN
WITH BARRIERS**

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413 SPEARS AVE. CHATTANOOGA, TN 37405

(423)595-1563 FAX (866)855-1065

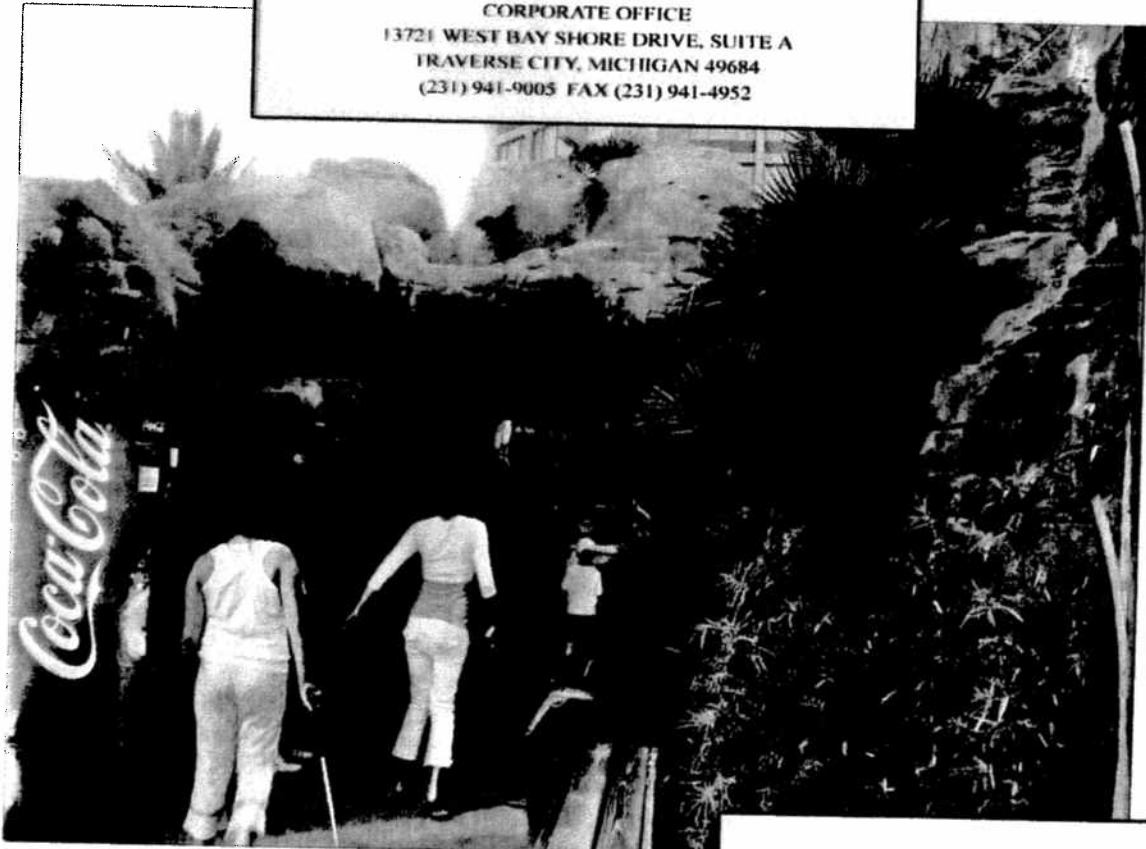
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ACCESSIBLE FEATURES

SOUTHERN GARDEN DESIGN, INC.

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