

**MIAMI MAR, INC.**

**Issue:** Vertical accessibility to the second floor.

**Analysis:** The applicant is requesting a waiver from providing vertical accessibility to the new 2,147 square foot second floor addition in an existing warehouse. The project will cost \$76,000 and was originally permitted to include installation of a lift. The applicant stated there will only be five employees on the second floor and does not feel it is necessary to make the area accessible. The building official disagreed and determined that there was the potential for 21 staff persons on the second level. Estimates were provided of \$18,200 and \$18,800 respectively for providing a lift.

**Project Progress:**

The project is under construction.

**Items to be Waived:**

Vertical accessibility to the second floor, 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:** Miami Mar Inc.

**Address:** 7055-57 SW 47 ST Miami, Fl. 33155

**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:** Joaquin Luaces

**Applicant's Address:** 7047 SW 47 ST Miami , Fl 33155

**Applicant's Telephone:** 305-669-6001                      **FAX:** 305-669-6002

**Applicant's E-mail Address:** Joaquin @ miamimar.com

**Relationship to Owner:** owner

**Owner's Name:** same

**Owner's Address:** \_\_\_\_\_

**Owner's Telephone:** \_\_\_\_\_ **FAX** \_\_\_\_\_

**Owner's E-mail Address:** \_\_\_\_\_

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

**Contact Person:** Joaquin Luaces

**Contact Person's Telephone:** 305-6696001 **E-mail Address:** Joaquin @ miamimar.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.)  
Existing warehouse is 2435 SQ/ FT Single story. There is a 2147 sq/ ft second story under construction for office and file storage. The completed remodeling will include warehouse space, covered parking, 5 offices and file and document storage areas.

**5. Project Construction Cost (Provide cost for new construction, the addition or the alteration):** The cost of the remodeling and alterations is \$ 76,000.00

**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.

Plans were presented with an ADA lift. Owner was informed by the Miami Dade Building Department that a Waiver application must be approved by the F.B.C .to remove req. of 553.509. Owner certifies that no more than 5 persons will be working in the total structure and access to the public is not allowed. ADA accessibility is provided in the first floor lobby area.

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

**Issue**

1: 553.509(3) allows for an exception of vertical accessabilty for offices with less than 5 persons

and which require no public access.

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 second story was specifically design for 5 offices with file and document storage. The requirement of the ADA lift was not contemplated, since no public access is require for this business. Nevertheless access for ADA is provided in the lobby area with an ADA accessible bathroom on the first floor.

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

The cost to the owner to comply with the Vertical Accessibility requirements is disproportionate an extreme to the cost of the alterations and would put a tremendous financial hardship is the requirements are imposed.

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.

Two estimates are attached. Estimate one is for \$18200.00. The second estimate is for \$18,800.00 .

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.

Access Lift and Elevators \$ 18,800.00  
Jay Carron Palm Beach Lifts \$ 18,200.00  
Estimates are attached.

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**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 '04 Building, sect. 1004, table 1004.1.2;
- b. FBC '04 Chapter 11/FACBC sect. 4.1.3(5) (accessible buildings:new construction);  
4.1.6 (1) (f); 4.1.6 (1) (K) (iii); 4.1.6 (z); 4.1.6 (3) (g).

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 \_\_\_\_\_ (See attachment)

Jurisdiction Unincorporated Miami-Dade County, Florida

Building Official or Designee \_\_\_\_\_  
Signature

Charles Danger  
Printed Name

\_\_\_\_\_  
Certification Number

786-315-5332 (office) 786-315-2929 (fax)  
Telephone/FAX

Address: 11805 SW 26 Street, Miami, Florida 33175

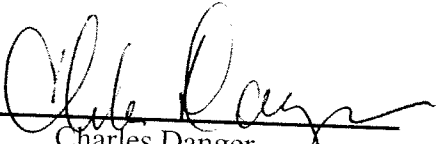
Comments/Recommendation

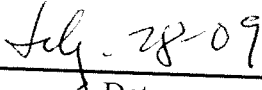
Area of second floor (2147ft) would have an occupant count of 21, as per FBC 04, section 1004, table 1004.1.2.

The proposed 2<sup>nd</sup> floor plan layout indicates more than five separate and enclosed rooms that can be used by the present owner or future owners as offices, which clearly exceeds the maximum occupant load of five in the exception allowed under 553.509(3) mentioned by the applicant.

The building permit was issued with the required lift to provide vertical accessibility to the proposed second floor. At this time the applicant is applying for a waiver and a revision to delete the lift from the permit documents.

It is the recommendation of the Building Official that the application of the waiver be denied based on the fact that the space exceeds the occupant load in Section 1004, table 1004.1.2 of the Florida Building Code, and the floor plan does not meet the exception under 553.509(3) and the Florida Accessibility Code.

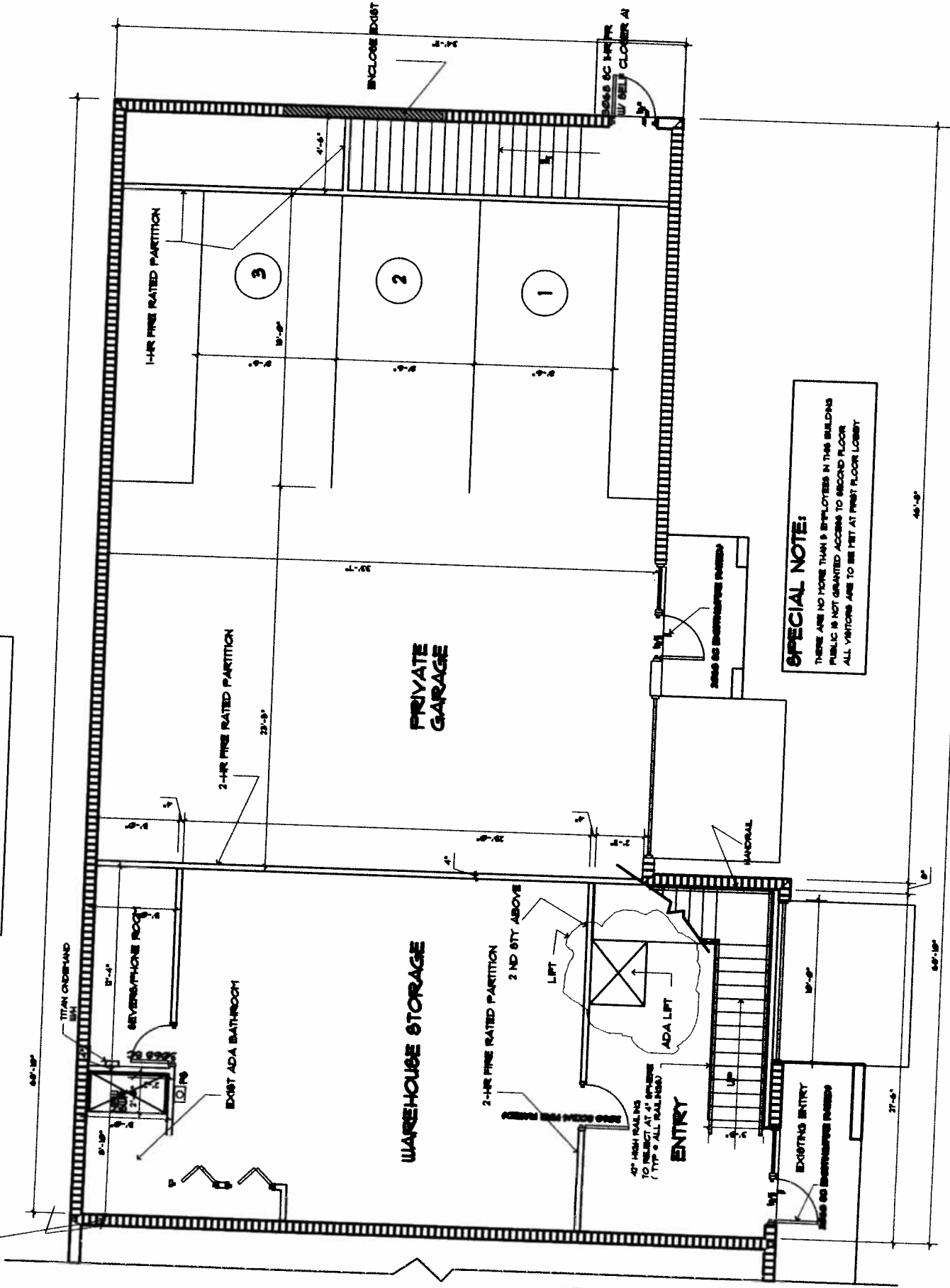
  
\_\_\_\_\_  
Charles Danger  
Building Official 300640

  
\_\_\_\_\_  
Date



IDENTIFY ALL FIRE AND/OR SMOKE SEPARATION WALLS AND PARTITIONS AND PROVIDE AREA EVERY 20' IN RED LETTERS 3/4" MIN. AS PER ALL APPLICABLE SPACES ON ANY FIRE RATED WALL. PROTECT ALL CORNERS.

EXISTING 1-HR FIRE RATED PARTITION FROM CONC FLOOR TO BASELINE OF ROOF DECK

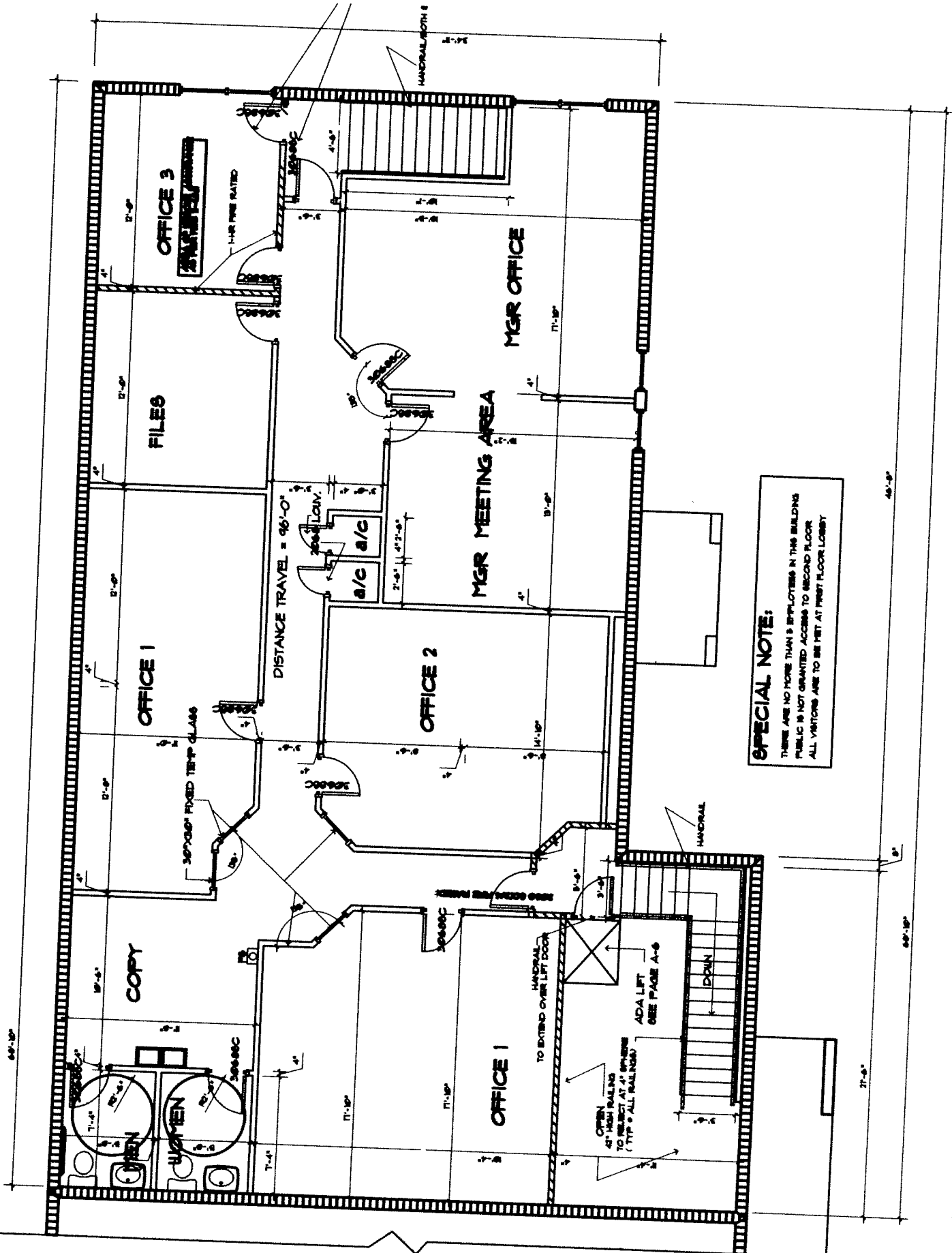


**SPECIAL NOTE:**  
 THERE ARE NO MORE THAN 9 EMPLOYEES IN THIS BUILDING  
 PUBLIC IS NOT GRANTED ACCESS TO SECOND FLOOR  
 ALL VISITORS ARE TO BE MET AT FIRST FLOOR LOBBY

*Clay*  
 7/29/09

**FLOOR PLAN (1ST FLOOR)**  
 1/4"





**SPECIAL NOTE:**  
 THERE ARE NO MORE THAN 8 EMPLOYEES IN THIS BUILDING  
 PUBLIC IS NOT GRANTED ACCESS TO SECOND FLOOR  
 ALL VISITORS ARE TO BE MET AT FIRST FLOOR LOBBY

**FLOOR PLAN (2 ND FLOOR)**  
 2ND SCPT

1/4"

*Handwritten signature and date:*  
 [Signature] 7/28/09

# ACCESS LIFTS & ELEVATORS

8362 Pines Blvd #380 Pembroke Pines, FL 33024

Email sales@accessliftsandelevators.com

Dade 305-889-3151

Broward 954-989-8755

Palm Beach 561-265-3533

Fax 954-894-7707

STATE LICENCE REGISTRATION #ELC489/CC1820

June 17, 2009

Dear Jaquin

**Project Re: Office Building**

Thank you for choosing Access Lifts & Elevators. Based on information received, we are submitting the following quotation for your review.

This quote is to cover the complete furnishing and Installation including permit and inspection of **One HBC-144 hoistway model manufactured by National Wheel-O-Vator** with the following specifications:

- **Travel- Not to exceed 144**
- **Two-stop on/off straight thru/Capacity-750 lbs.**
- **Drive System- Roped Hydraulic**
- **Controls- Selective collective microprocessor**
- **Speed 20 fpm**
- **Platform- 36"x48" non-skid surface with 42" high walls**
- **Doors- 6'8" Fire-rated doors with electric locks**
- **Safety devices- Upper final limit switch, battery lowering, and alarm**
- **Finish- Ivory powder coat white**

**Price \$18,800.00** (This price includes, material, shipping, installation, permitting and inspection)

**Terms: 50% deposit , 40% at delivery of Unit or beginning of Installation , 10% due upon final inspection.**  
Material will not be released for production without deposit.

**Note: If lift exceeds 12' in travel, an additional variance application fee will apply of \$1,500.00 payable to Miami Dade Elevator Safety section.**

**Warranty: Four year parts and One service** from final inspection.

**Supplied by others:** Provide a 120v 20amp fusible lockable disconnect with an auxiliary contact, a light with battery backup located at the top of the hoistway and a plumb hoistway.

It is understood and agreed that the work is to be performed during the regular working day and hours of the elevator trade. The above work will be performed in a competent professional manner in strict accordance with all state and elevator codes.

**Please Note:** Storage fees may apply due to delay of job site readiness, as agreed by purchaser.

Submitted by Rocco J Bruno Jr.

**joaquin**

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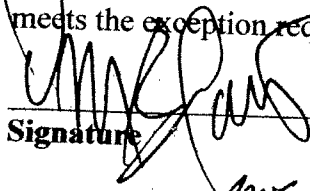
**From:** Jay Carron sr [jaycarronsr@mindspring.com]  
**Sent:** Thursday, June 18, 2009 11:29 AM  
**To:** joaquin  
**Subject:** Wheelovator CDE 120

Looks like \$18,200.00 supplied permitted, tax,inspection Jay Carron Palm Beach lifts. 561-863-7707

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.

This project was specifically designed for the use of MIAMI MAR Inc. with only 5 offices one for each of the office personnel and with additional storage for files and documents to consolidate their storage needs. No public access is required at this firm. Our design nevertheless included an ADA accessible area and bathroom in the first floor. We believe that this project meets the exception requirements under FS 553.509 (c) for Vertical Accessibility.

Signature



Printed Name

OSCAR R. MATUTES R.A.

Phone number

705-246-3502

(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 8 day of July, 20 09

*Joaquin Luaces*  
Signature

Joaquin Luaces  
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.

1FOLIO  
07/27/2009  
11:24:04

BUILDING DEPARTMENT  
PERMIT HISTORY INQUIRY

BNZM1  
PAGE  
SOTO

KEY FOLIO 3040230570190

PERMIT NO.	MASTER PERMIT	TYPE	ISSUE DATE	ADDRESS	
2009040351	2008072540	PLUM	6/11/2009	7057 SW 47 ST	
		CATEGORIES	01		19
FEE :	154.62	PROPOSED USE	APT BUILDING	3-4 UNITS	
2009039959	2008072540	ELEC	6/09/2009	7057 SW 47 ST	
		CATEGORIES	01 35		19
FEE :	214.61	PROPOSED USE	APT BUILDING	3-4 UNITS	
2008072540		BLDG	9/16/2008	7057 SW 47 ST	
		CATEGORIES	01		19
FEE :	2445.20	PROPOSED USE	APT BUILDING	3-4 UNITS	

FEE :

PF1 = TRANSFER

NEXT SCREEN

NEXT KEY

PF8 = NEXT PAGE

\* NO ENTRIES REMAIN FOR NEXT PAGE \*