

## **PINE CREEK SPORTING CLUB**

**Issue:** Vertical accessibility to a tree house structure.

**Analysis:** The applicant is requesting a waiver from providing vertical accessibility to the upper levels of a tree house structure with two elevated observation levels. The structure is located in a private, members only club which includes a lodge, various types of shooting sports, helipad, recreational field, toy barn, nature trails, horse stables, dog kennels, aviary and volleyball and bocci courts. The cost to construct the tree house is \$36,000. The applicant is not claiming disproportionate cost; however, the club maintains the law was never intended to include an auxiliary feature of this limited nature in a rustic environment.

### **Project Progress:**

The project is completed.

### **Items to be Waived:**

Vertical accessibility to all observation levels of a tree house structure, 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:** Pine Creek Sporting Club

**Address:** 23721 NE 48th Avenue, Okeechobee, 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:** 4905 Midtown Lane - Suite 2313, Palm Beach Gardens, Florida 33418

**Applicant's Telephone:** 561-7996942      **FAX:** 561-7996943

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

**Relationship to Owner:** Accessibility Consultant

**Owner's Name:** U.S. Land Acquisition II, LLC - Stephen E. Myers and Stephen Myers Jr.

**Owner's Address:** 1 N. Clematis Street, Suite 100, West Palm Beach, FL. 33401

**Owner's Telephone:** (561) 514-9920      **FAX** (561) 514-9917

**Owner's E-mail Address:** smyersjr@uslandgroupllc.com

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

**Contact Person:** Larry M. Schneider AIA

**Contact Person's Telephone:** 561-7996942      **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 a "tree house structure" that has been constructed within a cluster of oak trees. It has a lower level, by grade and then two different observation levels located within this grouping of trees.

**5. Project Construction Cost (Provide cost for new construction, the addition or the alteration):** Project construction cost for the tree house structure is \$56,000

**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.

The building official is requesting compliance with the requirements for vertical accessibility to each level since this is a specific requirement of the Florida Accessibility Code.

**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.

[X] 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 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. Furthermore Florida State Statutes, section 553.512 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 C.F.R. s. 36.403(f)(1), a waiver shall be granted. Pine Creek Sporting Club is an exclusive, members-only, champion's clays and wing shooting club located in Okeechobee, Florida. This facility is a true private club and therefore is exempt from the applicable requirements of the ADA per section 36.102(3)(e) which states that this part does not apply to any private club (except to the extent that the facilities of the private club are made available to customers or patrons of a place of public accommodation), or to any religious entity or public entity.

**WHAT IS PINE CREEK SPORTING CLUB?** Pine Creek Sporting Club is an exclusive, members-only, champions clays and wing shooting club located in Okeechobee, Florida. The entire property encompasses approximately 2,824 pristine acres with over 800 acres dedicated to common area and wing shooting. Phase I consists of twenty-two, 40+ acre ranches and 23 cabin sites located around a five acre lake on approximately 1,350 acres with over 350 acres of quail fields and natural woodlands.

**WHAT AMENITIES ARE PLANNED FOR THE CLUB?** The planned Club amenities available to members, their families and guests will include the following:

- 800 Acres of Quail Fields & Common Area (Phase 1 and 2)
- Guided Quail Hunts and Wild Hog Hunting
- Member's Lodge Overlooking a Scenic Lake
- Four Well-Appointed suites
- Club Concierge & Staff Available 24/7
- Club Pool & Jacuzzi
- Shooting Sports
- Sporting Clay's Course
- 5-Stand Shooting Area
- Rifle and Pistol Range
- Trap & Skeet Range (Phase 2)
- Tower Shoots
- Simulated Quail Flush Course
- Oak Hammock Treehouse
- Helipad
- Recreational Field
- Toy Barn

- Field House (Phase 2)
- Miles of Nature Trails
- 3.5 Miles of Canoe Trails
- Horse Stables and Paddocks
- Bridle Paths
- Dog Kennels
- Aviary
- Volleyball and Bocce Courts

The project is and will be constructed in accordance with the applicable requirements of the Florida Accessibility Code for Building Construction where applicable. This waiver is specifically for the Oak Hammock Treehouse which was built among an oak tree stand. The structure has three levels of which the first level will be made accessible via a ramp and the waiver is for the other two levels located within this treehouse. The issue of providing vertical accessibility to all levels of this structure is an extreme hardship, unnecessary and is unreasonable. It would require two separate lifts/elevators as well as the applicable structural elements to protect the lifts from the elements [hurricanes] as well as electrical power to these units. The two levels in question are approximately 10 and 13 feet above grade. I am sure that it was never the legislators intent of the writing of the requirements for vertical accessibility that they were identifying this type of structure for vertical access.

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

The issue of providing vertical accessibility to all levels of this structure is an extreme hardship, unnecessary and is unreasonable.

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.

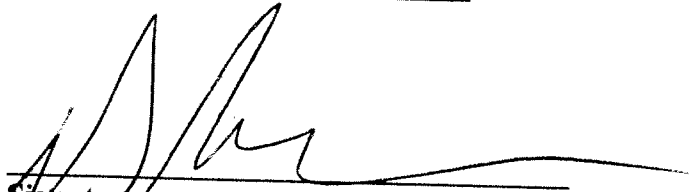
**9. Provide documented cost estimates for each portion of the waiver request and identify any additional supporting data which may affect the cost estimates.** For example, for vertical accessibility, the lowest documented cost of an elevator, ramp, lift or other method of providing vertical accessibility should be provided, documented by quotations or bids from at least two vendors or contractors.

a. \_\_\_\_\_

b. \_\_\_\_\_

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. We believe that we would qualify under an unreasonable, an extreme hardship and technically infeasible do to the fact that a "tree house structure" of this design and use would qualify to meet the exemption requirements of the law. We concur with the reasoning as so stated under item 8.

  
Signature

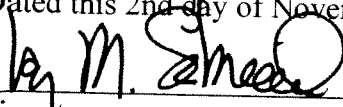
Mark McCree  
Printed Name

Phone number: 863-467-2690  
(SEAL)

**CERTIFICATION OF APPLICANT:**

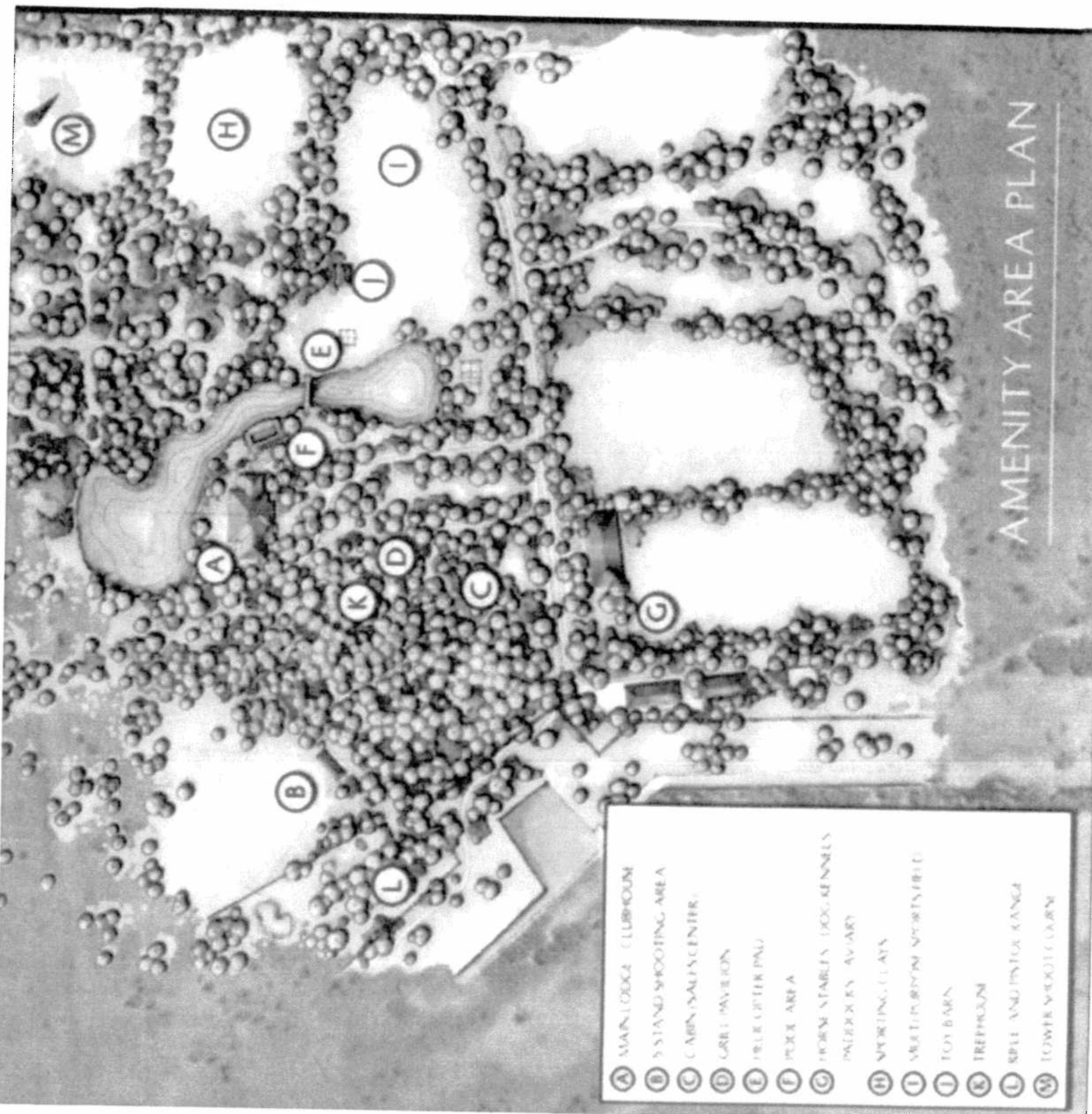
I hereby swear or affirm that the applicable documents in support of this Request for Waiver are attached for review by the Florida Building Commission and that all statements made in this application are to the best of my knowledge true and correct.

Dated this 2nd day of November, 2009

  
\_\_\_\_\_  
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.



AMENITY AREA PLAN

- (A) MAIN LODGE CLUBHOUSE
- (B) STAND SHOOTING AREA
- (C) CABIN SALES CENTER
- (D) GOLF PAVILION
- (E) PLAY CENTER PAL
- (F) PICNIC AREA
- (G) HORSE STABLES DOCK REINERS PARKING AVIARY
- (H) SPORTING CLAYS
- (I) MULTIPURPOSE SPORTS FIELD
- (J) TOY BARN
- (K) TRELLIS
- (L) BALL AND PITCH RANGE
- (M) LOWER SPORT COURT



↑ PINE CREEK SPORTING CLUB  
PHASE II ↑



KEY

- (A)** AMENITY AREA
- (B)** COMMON HUNTING GROUNDS  
APPROXIMATELY 100 AC
- (C)** PRIMARY ENTRY
- (D)** WETLAND
- PROPERTY LINE
- HORSE TRAIL
- [1-23]** 23 PRIVATE HUNTING LOTS

Pine Creek Sporting Club Treehouse

Photos

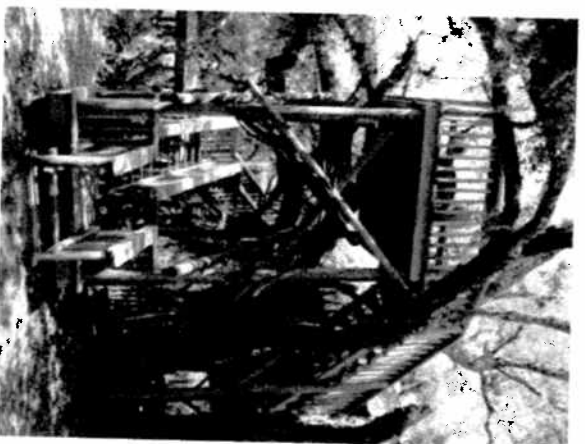
Okeechobee, Florida



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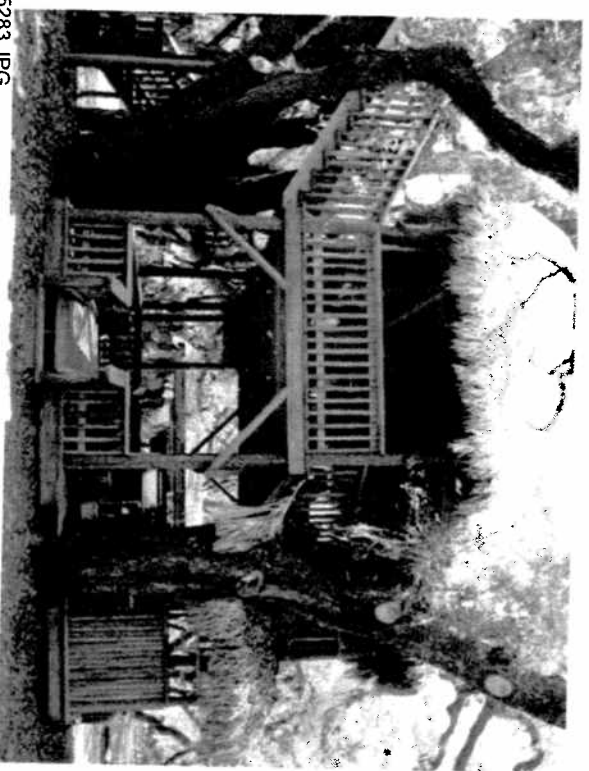
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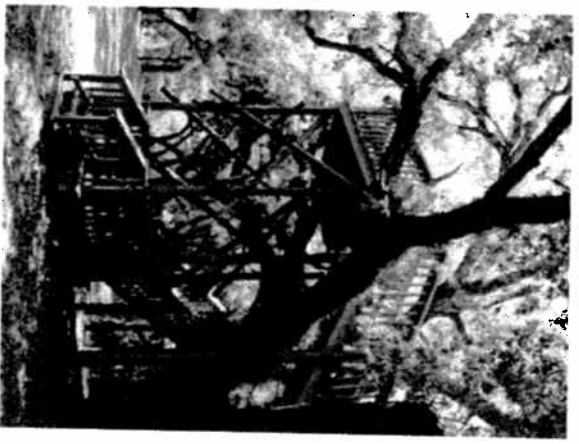
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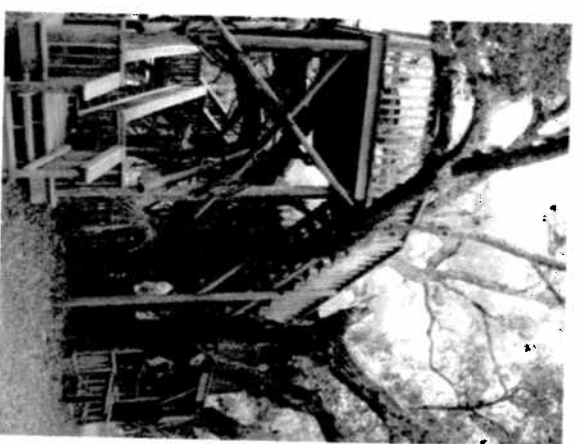
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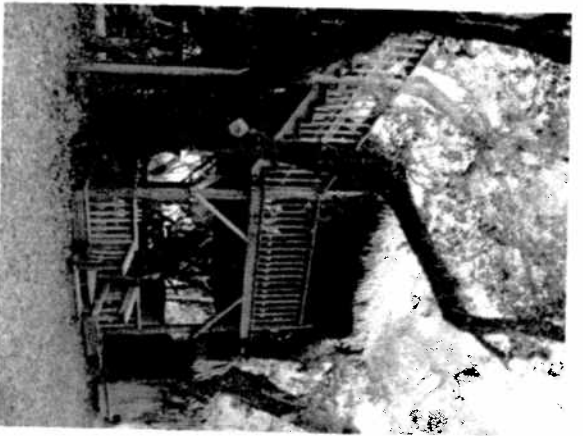
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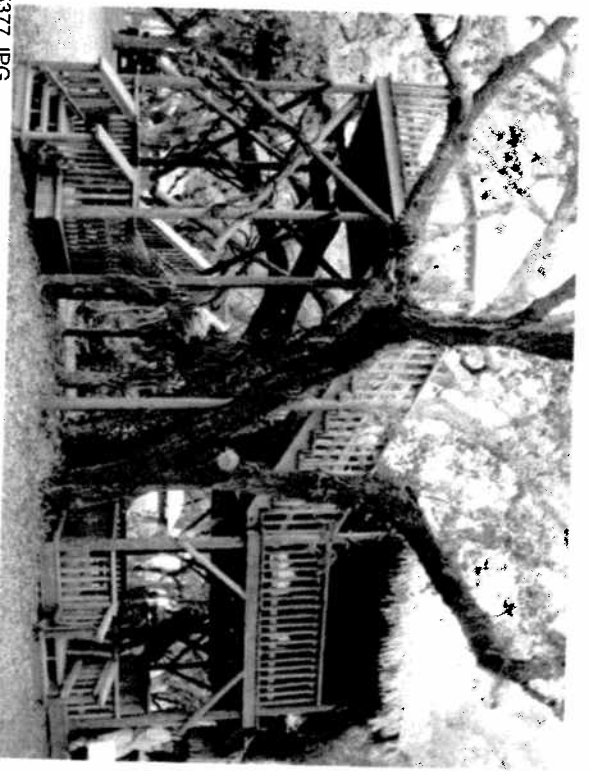


Pine Creek Sporting Club Treehouse



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Photos



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