

**REQUEST FOR WAIVER FROM ACCESSIBILITY REQUIREMENTS  
CHAPTER 553, PART V, FLORIDA STATUTES**

Your application will be reviewed by the Accessibility Advisory Council and its recommendations will be presented to the 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 River Building  
Address: 19 Northwest South River Drive, Miami, Florida 33128

**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 : Clayton Clavette  
Applicant's Address : 1 Southeast 3<sup>rd</sup> Avenue – Suite PH3120, Miami, Florida 33131  
Applicant's Telephone : 305.377.2299 FAX 305.675.3111  
Applicant's E-mail Address: clayton@clavettegroup.com  
Relationship to Owner: Owner  
Owner's Name Same as applicant  
Owner's Address : \_\_\_\_\_  
Owner's Telephone: \_\_\_\_\_ FAX \_\_\_\_\_  
Owner's E-mail Address: \_\_\_\_\_  
Signature of Owner: \_\_\_\_\_  
Contact Person: Same as applicant  
Contact Person's Telephone : \_\_\_\_\_ E-mail Address: \_\_\_\_\_

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 two (2) story office building – 4,455 sq.ft. (2,200 on 2<sup>nd</sup> floor) built in 1940.  
\_\_\_\_\_  
\_\_\_\_\_

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

\$35,000.00 – interior renovation of 2<sup>nd</sup> floor only

**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.

City of Miami ADA Building division is requesting that a vertical access be installed to the existing two story office building. The renovation to the building is significantly less than the cost to install vertical access and the 20% of budget cost to ADA improvements.

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

**Issue**

1: FBC 11-4.1.6

**Issue**

2: \_\_\_\_\_

**Issue**

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.

This is an existing building, built in 1940 and is not designed to structurally to accommodate a vertical lift without significant alteration to the existing building.

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

The cost of the renovation is approximately \$35,000 and is a minor change to the existing floor space. All bath and kitchenette areas are to remain as is. Without this renovation the existing space will not meet the needs of current office tenant requirements. The installation of a vertical access (elevator) will far exceed the budgeted cost of the renovation.

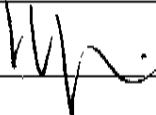
[ ] The owner has made a **diligent investigation** into the costs of compliance with the code, but cannot find an efficient mode of compliance. Provide detailed cost estimates and, where appropriate, photographs. Cost estimates must include bids and quotes.

**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. A quote from ThyssenKrupp Elevator (see attached) for \$44,800.00 is more than the complete cost of the renovations to the existing building.
- b. A quote from Mowrey Elevator Company (see attached) for \$38,780.00 is more than the complete cost of the renovations to the existing building.
- c. \_\_\_\_\_

**10. Licensed Design Professional:** Where a 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.

The proposed renovation is minor in nature. The existing structure will not easily accept an elevator. The cost to provide vertical access will exceed the cost of the renovation proposed for the 2<sup>nd</sup> floor offices.

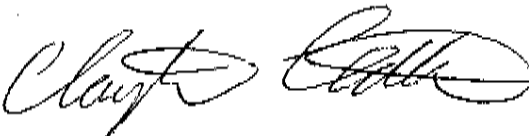
Signature Printed Name:  M.J. Hill  
Phone Number (305) 324-4700

(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 be the best of my knowledge true and correct.

Dated this 10 day of OCTOBER, 20 09

Signature 

Printed Name CLAYTON CLAVETTE

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.

STATE OF FLORIDA  
BUILDING COMMISSION

In the Matter of )  
MIAMI RIVER BUILDING )  
 )  
Petitioner )  
\_\_\_\_\_ )

No.: DCA08-HC-054

FINAL ORDER

The Application for Waiver by Petitioner, MIAMI RIVER BUILDING, came before the State of Florida Building Commission (the "Commission") in accordance with Section 553.512(1), Florida Statutes and Fla. Admin. Code Chapter 9B-7,<sup>1</sup> at the meeting of the Commission on January 29, 2008, upon a recommendation by the Accessibility Advisory Council (the "Council"). At that meeting, the Commission made the following findings of fact:

1. The Owner is Clayton Clavette, 1 Southeast 3<sup>rd</sup> Avenue, Suite PH3120, Miami, Florida 33131 (the "Owner").
2. The Applicant is Clayton Clavette, 1 Southeast 3<sup>rd</sup> Avenue, Suite PH3120, Miami, Florida 33131 (the "Applicant"). The Applicant was represented at the January 28, 1008 meeting of the Council by Karl Klein, Esquire.
3. The project for which the Applicant is seeking a waiver is the \$35,000 renovation of a 4,400 square foot, 2 story building that was constructed in 1940. Each story consists of 2,200 square feet of floor space. The first story is currently used solely as a warehouse. The second story is used as a professional office. The proposed renovations are to be made only to the second story.

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<sup>1</sup> Unless otherwise indicated, all citations to Florida statutes refer to the 2007 codification of *Florida Statutes*, and all citations to Florida administrative rules refer to the latest version of the final adopted rule presented in *Florida Administrative Code*.

According to the applicant, there are no plans to convert the first floor to office space at this time. The project is located at 19 Northwest South River Drive, Miami, Florida 33128.

4. The accessibility requirements which the Owner seeks to waive are set forth in Section 553.509, Florida Statutes, which states that the Owner shall provide vertical accessibility to all levels above and below the occupiable grade level.

5. Section 553.512(1), Florida Statutes provides for a waiver of the accessibility requirements set forth in Section 553.509, Florida Statutes upon a determination of "unnecessary, unreasonable, or extreme hardship".

6. Section 553.512(1) provides that a waiver *shall* be granted if an applicant demonstrates economic hardship in accordance with section 36.403(f)(1), Code of Federal Regulations.

7. The Applicant submitted an estimate of the cost necessary to provide vertical accessibility which demonstrates economic hardship pursuant to Section 553.512(1), F.S. and in accordance with section 36.403(f)(1), Code of Federal Regulations.

8. Based upon the Council's consideration of the foregoing information, the Applicant's representations regarding project design and construction, and all applicable legal requirements, the Council members present voted 4 to 2 to recommend approval of a waiver for vertical accessibility based on the mandatory economic hardship waiver provision of Section 553.512(1), F.S., with the condition that 20% of the costs of this renovation must be spent on A.D.A. compliant upgrades/enhancements to make the second story restrooms and kitchen accessible.

Having considered the foregoing findings of fact, together with the recommendation of the Council, the Commission hereby agrees with that recommendation and concludes that the


Applicant's request for a waiver should be, and hereby is, GRANTED, subject to the Applicant satisfying the above-identified condition.

This Final Order is intended for the enforcement of the Florida Americans With Disabilities Accessibility Implementation Act, as amended, Section 553.501 et seq., Florida Statutes, and other than as modified by this Final Order, any construction or post-construction activities which deviate from the requirements of that Act will be deemed to be a violation of this Final Order.

Responsibility for the enforcement of this Final Order and for enforcement of the Americans With Disabilities Accessibility Implementation Act shall rest with the building official of the local government with permitting authority for the project. § 553.513, Fla. Stat. Nothing in this Final Order shall be construed to relieve the Owner of any duties it may have under the Americans With Disabilities Act of 1990(ADA), Pub. L. No. 101-336, 42 U.S.C. section 12101 et seq. (2000), or the regulations under the ADA. The waiver granted in this Final Order shall expire one (1) year from the date of the Order unless the construction has commenced within that time.

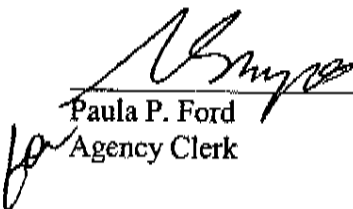
Petitioner and all other interested parties are hereby advised of their right to seek judicial review of this Order in accordance with Section 120.68(2)(a), Florida Statutes, and Fla. R. App. P. 9.110(a) and 9.030(b)(1)(C). To initiate an appeal, a Notice of Appeal must be filed with Paula P. Ford, Clerk of the Florida Building Commission, Department of Community Affairs, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100 and with the appropriate District Court of Appeal not later than thirty (30) days after this Order is filed with the Clerk of the Commission. A Notice of Appeal filed with the District Court of Appeal shall be accompanied by the filing fee set forth in Section 35.22(3), Florida Statutes.

DONE AND ORDERED this ~~26~~<sup>27</sup> day of February, 2008 in Coral Gables, County of Miami-Dade, State of Florida.

  
RAUL L. RODRIGUEZ, AIA  
Chairman  
Florida Building Commission  
Department of Community Affairs  
Sadowski Building  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100

**NOTICE OF FILING AND SERVICE**

I HEREBY CERTIFY that the above document has been filed with the Department's designated Agency Clerk and that true and correct copies have been furnished to the persons listed below in the manner described, on the ~~26~~<sup>27</sup> day of January, 2008.

  
Paula P. Ford  
Agency Clerk

By U.S. Mail:

Clayton Clavette  
1 Southeast 3<sup>rd</sup> Avenue  
Suite PH3120  
Miami, Florida 33131

Karl Klein, Attorney at Law  
1 SE 3<sup>rd</sup> Avenue, Penthouse 3120  
Miami, Florida 33131

Building Official, City of Miami  
The Miami Riverside Center  
444 S.W. 2nd Avenue, 4th Floor  
Miami, Florida 33130

Neil Melick  
Chairman, Accessibility Advisory Council  
P.O. Box 3366  
West Palm Beach, Florida 33042-3366





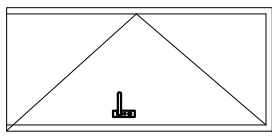
# Claro Development Offices

Alterations to Existing Building Interiors  
19 NW South. River Drive., Miami, FL 33128



2 DEMO PLAN  
1/4" = 1'-0"

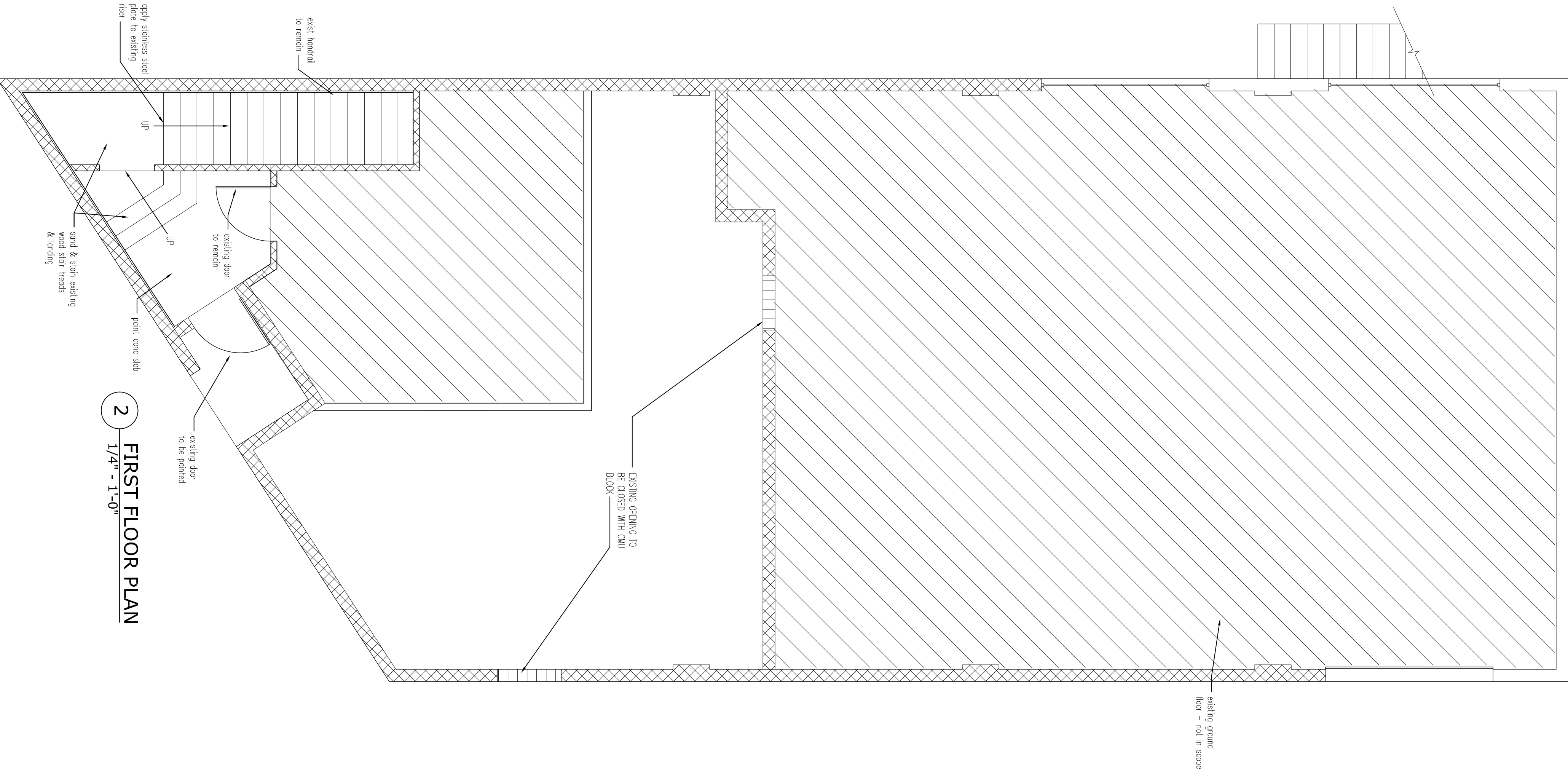
1 DEMO PLAN  
1/4" = 1'-0"



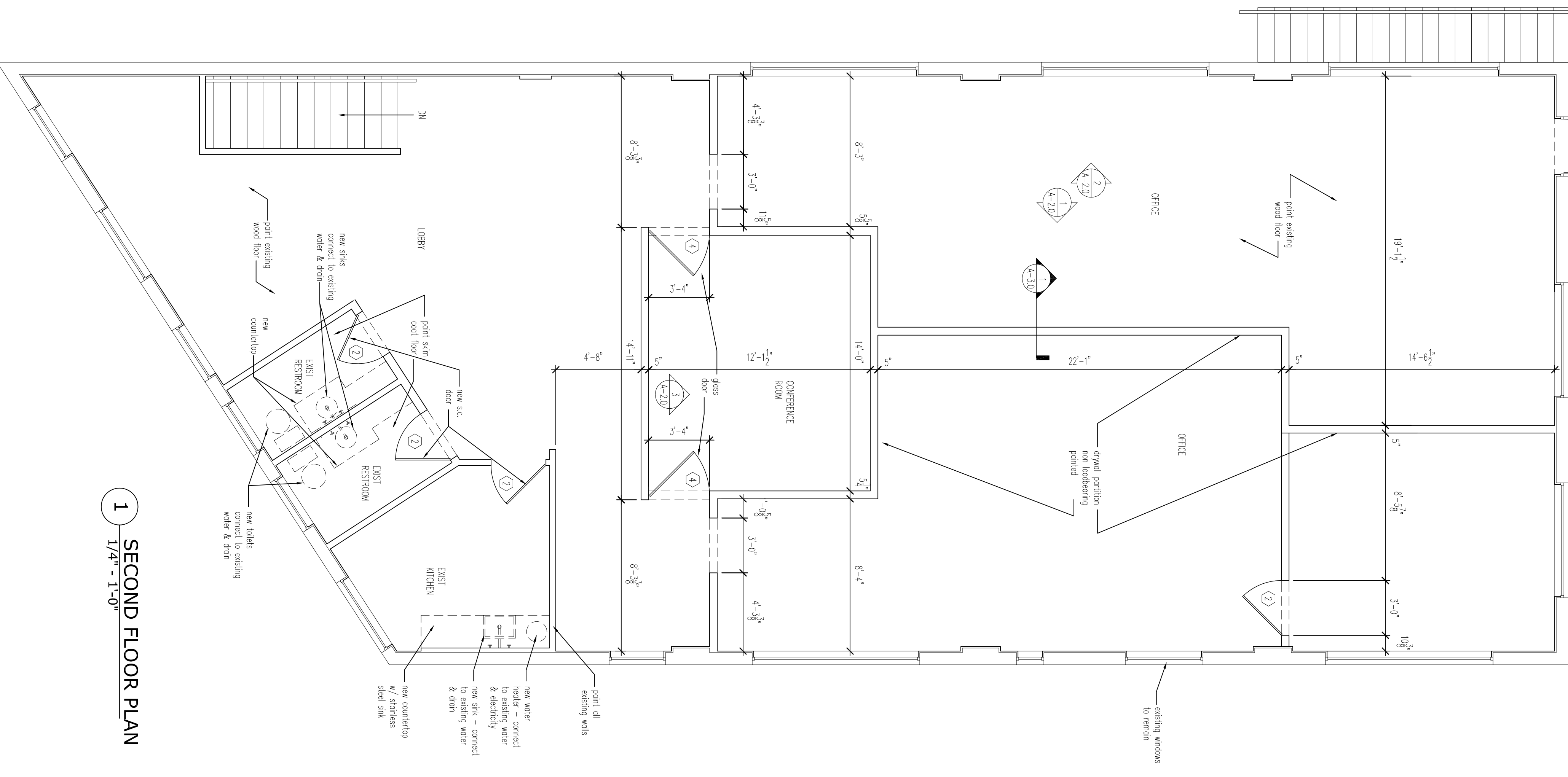
TYPE 1

DOOR SCHEDULE

NO	ROOM	SIZE			DOOR				FRAME			REMARKS			
		HEIGHT	WIDTH	THICK	TYPE	MATERIAL	FINISH	FIRE RATING	HEAD	JAMB	MATERIAL		FINISH	FIRE RATING	HARDWARE SET
1	EXTERIOR	---	---	---	---	HM	EXISTING	---	---	---	---	---	---	---	---
2	BATH/OFFICE KITCHEN	6'-8"	3'-0"	1 3/8"	---	SC	STAIN PAINT	---	2"	WD	EXISTING STAIN PAINT	---	---	---	FRENCH DOOR
3	OFFICE	6'-8"	3'-0"	1 3/8"	---	WD FRENCH	---	---	2"	WD	PAINT	---	---	---	GLASS DOOR
4	CONFERENCE	6'-8"	3'-0"	1 3/8"	---	GLASS	---	---	---	---	---	---	---	---	---



2 1/4" = 1'-0" FIRST FLOOR PLAN



1 1/4" = 1'-0" SECOND FLOOR PLAN

Permit Document

Reg. No. 93298

SHEET  
A-1.1  
FLOOR PLANS

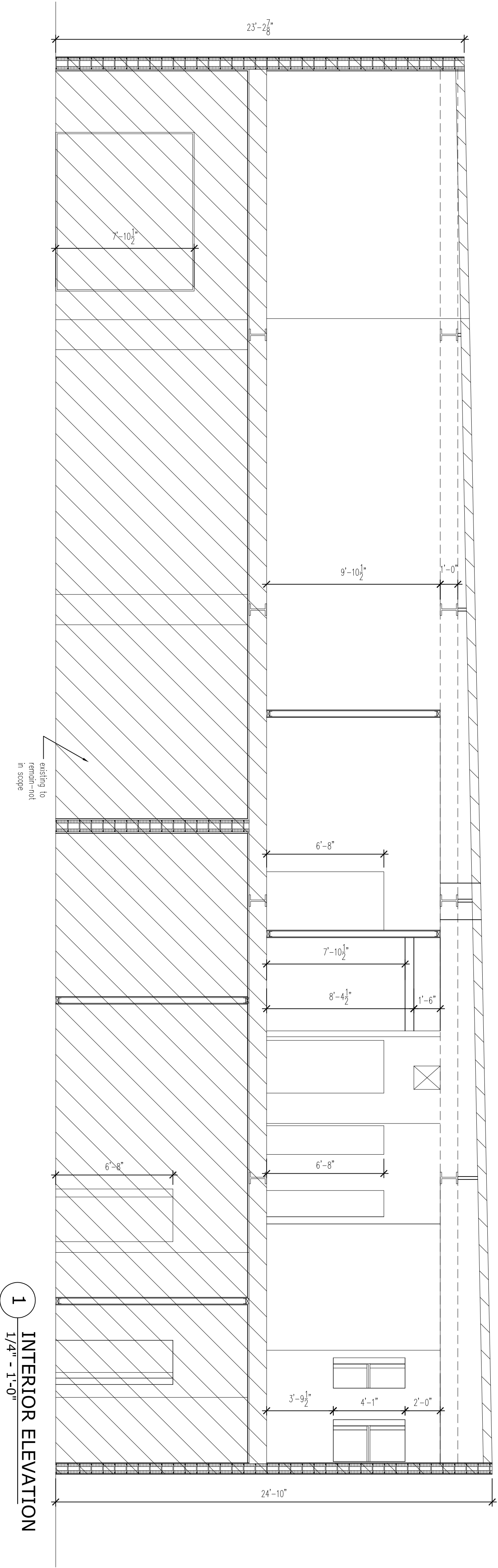
Claro Development Offices  
Alterations to Existing Building Interiors  
19 NW South. River Drive., Miami, FL 33128

Project Owner

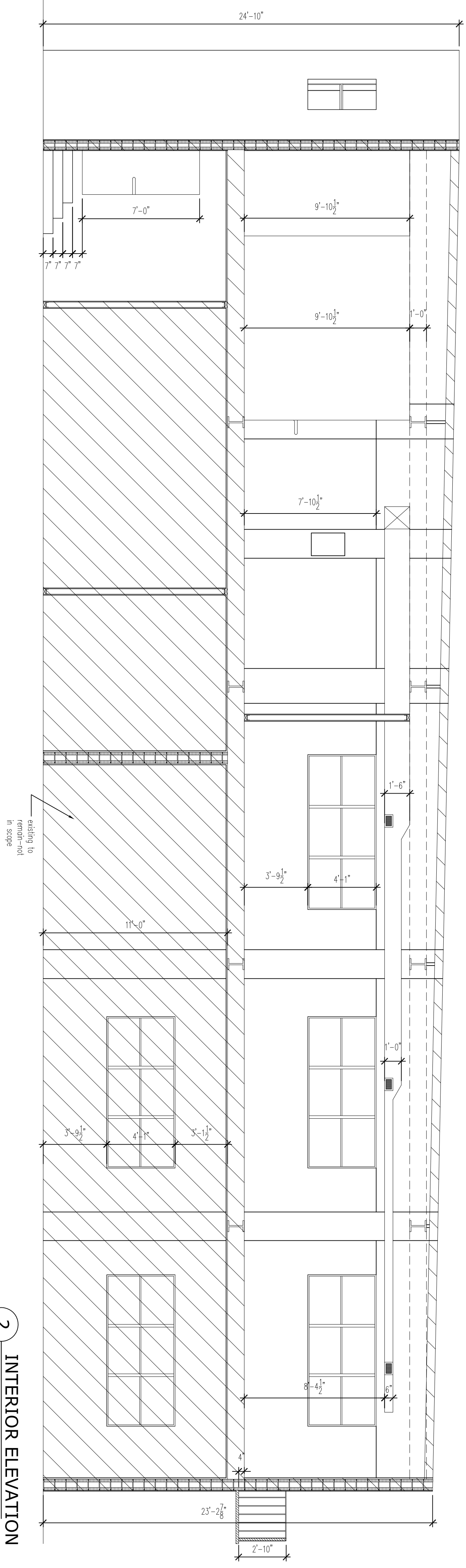
Consultant  
Olga R. Lastra  
Claro Development  
19 nw south river drive - miami, fl - 33128  
1.305.324.4700 | 1.305.574.8564

Architect  
By:

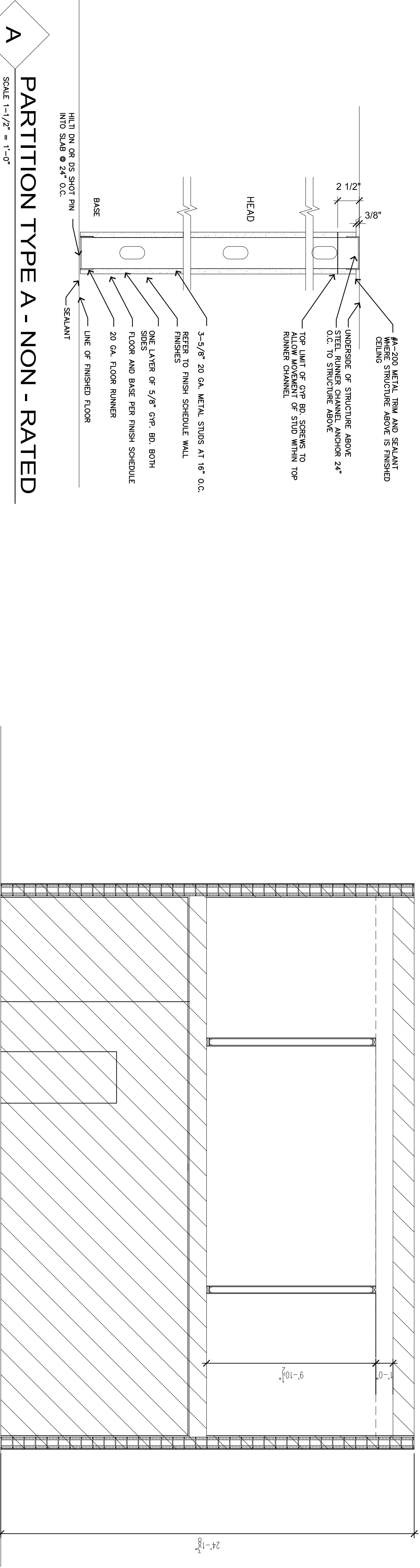
Issue Date: 09.02.10  
Scale: 1/4" = 1'-0"  
Project:



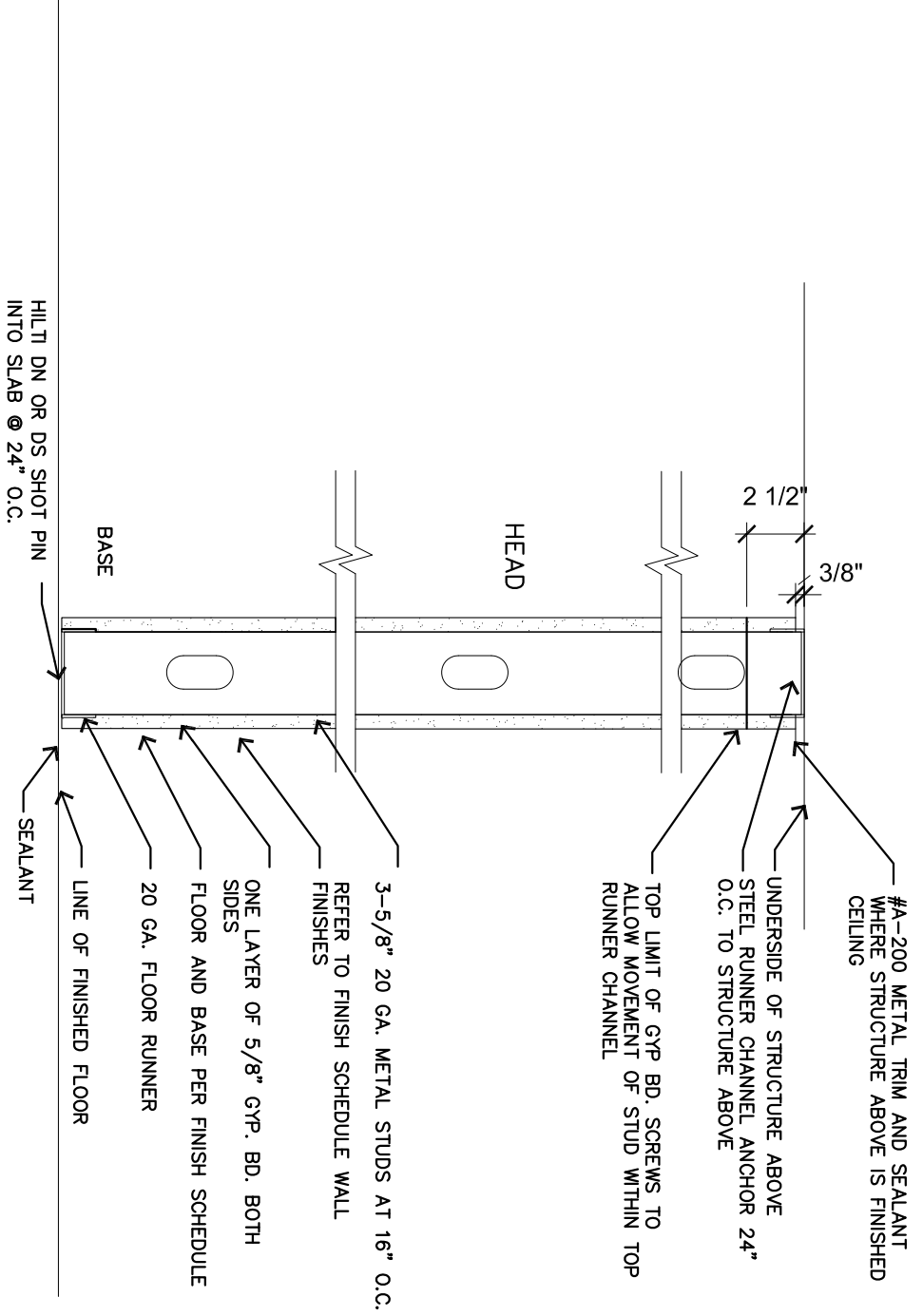
**1** INTERIOR ELEVATION  
 1/4" = 1'-0"



**2** INTERIOR ELEVATION  
 1/4" = 1'-0"



**3** INTERIOR ELEVATION  
 1/4" = 1'-0"



**A** PARTITION TYPE A - NON - RATED  
 SCALE 1-1/2" = 1'-0"

NOTE: USE M/R GYP. BOARD AT TOILETS AND WET WALL THROUGHOUT.

DATE:	05-1-06
SCALE:	AS SHOWN
DRAWN:	RL
JOB:	
REV:	BY

**M. J. CHIU**  
architect

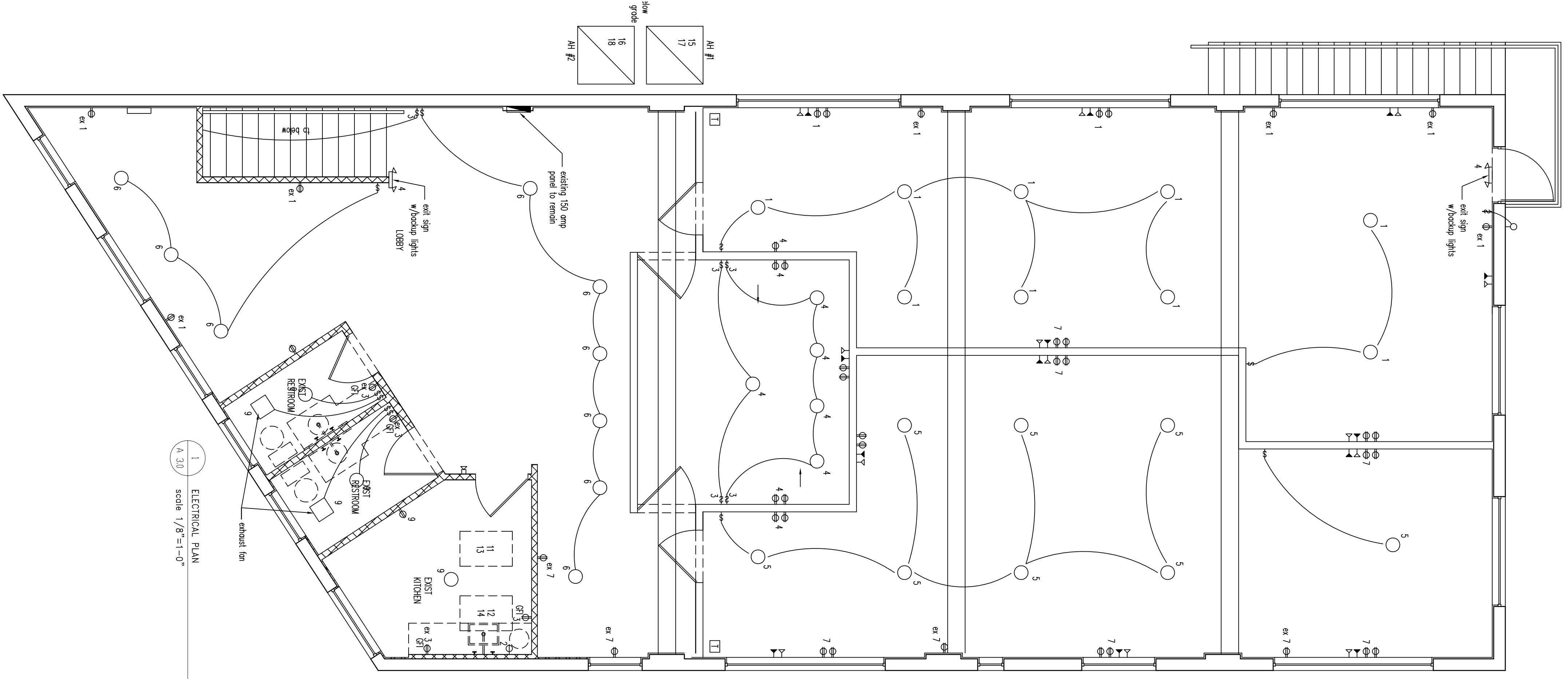
Coral Gables Financial Center / 299 Alhambra Circle Suite 418  
Coral Gables, Florida 33134 / Phone: (305) 442-0560 Fax: (305) 442-2380

**2nd FLOOR OFFICE AS-BUILT**  
19 NW SOUTH RIVER DRIVE - MIAMI, FLORIDA 33128  
PHONE (305) 992-3050

Electrical Plan & Schedule

SHEET: **E-1**

M.J. CHIU ARCHITECT  
REG. NO. 10,154



DEMAND K.V.A.	No DEMAND K.V.A.	TRIP-POLE	CON-DUIT	WIRE SIZE	DESCRIPTION	CIR. #	CIR. #	DESCRIPTION	WIRE SIZE	CON-DUIT	TRIP-POLE	NO DEMAND K.V.A.	DEMAND K.V.A.
②		20	1/2"		Receptacle-North Side	1	2	Water Heater	1/2"	1/2"	20		4.5
②		20	1/2"		GFI Kitchen	3	4a	Exit Lights & Outlets	1/2"	1/2"	20		②
②		20	1/2"		Lights	5	4b	East Wall	1/2"	1/2"	20		②
②		20	1/2"		South Wall Outlets	7	6a	Star Exit Lights	1/2"	1/2"	20		②
②		20	1/2"		Bathrooms	9a	6b	Receptacle-Northwest Corner	1/2"	1/2"	20		②
②		20	1/2"		1 outlet Kitchen North Wall	9b	10	Exit Light - First Floor	1/2"	1/2"	20		
4.9	①	50	3/4"		A/C #1 comp	11	12	A/C #2 comp	3/4"	3/4"	50		
					Spare	13	14	Spare					
					AHU #1	15	16	AHU #2	3/4"	3/4"	60	4.9	①
					Spare	17	18	Spare					
					Spare	19	20	Spare					
6.72	4.9											4.9	7.86

SERVICE : 120 / 240 SINGLE PHASE. 3 WIRE  
MOUNTING : SURFACE  
POLES : 20

MAIN BUS : 150 AMP  
NEUTRAL : 150 AMP  
MLO : MLO  
A.I.C. : 10,000

**PANEL "A"**

② CALC. @ .003 KW SQ. FT. x 2243 SQ.FT. = 6.73 KW.  
(WHOLE OFFICE : 2424 SF) - (BATH & KITCHEN:181 SF) = 2243 SF

TOTAL CONNECTED LOAD = ( 6.72 + 7.86 ) = 14.58 KW.  
FIRST 10 KW @ 100% = 10.00 KW  
REMAINDER @ 40% = 1.83 KW  
A.H.U. #1 @ 100% = 5.50 KW  
(HEATER KW + BLOWER)  
A.H.U. #2 @ 100% = 5.50 KW  
(HEATER KW + BLOWER)

TOTAL LOAD (KW) = 22.83 KW  
KW / 240 (= AMPS) = 95.13 AMPS

1 ELECTRICAL PLAN  
A 30 scale 1/8"=1'-0"

DATE:	05-1-06
SCALE:	AS SHOWN
DRAWN:	RL
JOB:	
REV:	BY

**M. J. CHIU**  
architect  
Coral Gables Financial Center / 299 Alhambra Circle Suite 418  
Coral Gables, Florida 33134 / Phone: (305) 442-0560 Fax: (305) 442-2380

**2nd FLOOR OFFICE AS-BUILT**  
19 NW SOUTH RIVER DRIVE - MIAMI, FLORIDA 33128  
PHONE (305) 992-3050

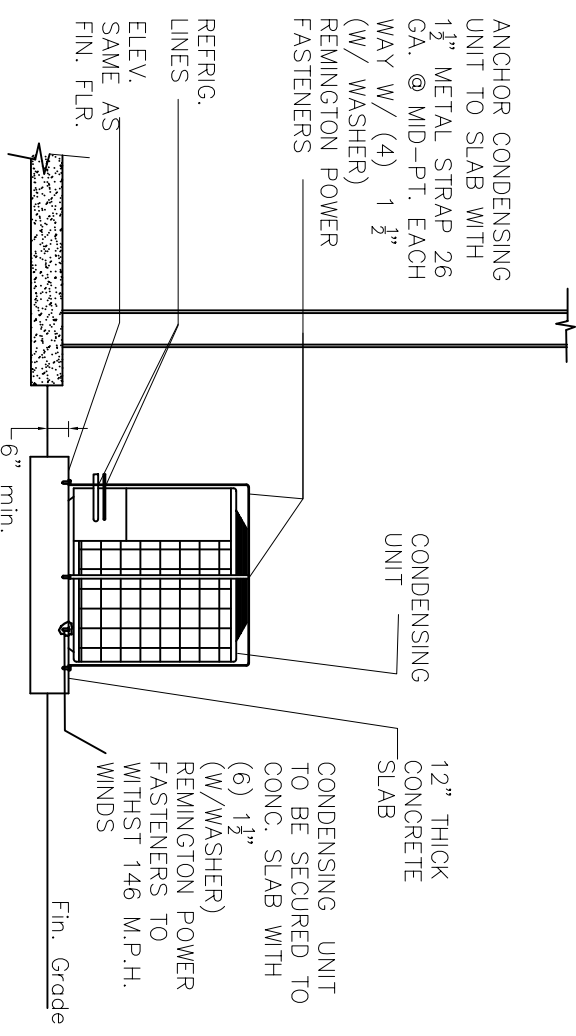
Mechanical & Plumbing Plan, Schedule, & Wall Section

SHEET:  
**MP-1**

M.J. CHIU ARCHITECT

REG. NO. 10.154

HVAC DESIGN REQUIRES:	YES	NO
DUCT SMOKE DETECTOR	X	
FIRE DAMPER(S)	X	
SMOKE DAMPER(S)	X	
SMOKE EXHAUST	X	
FIRE RATED ROOF/FLOOR	X	
FIRE STOPPING	X	
SMOKE CONTROL	X	
CEILING FANS	X	
HEAT RECOVERY	X	
MULTIZONE COOLING	X	
PROGRAMMABLE THERMO	X	



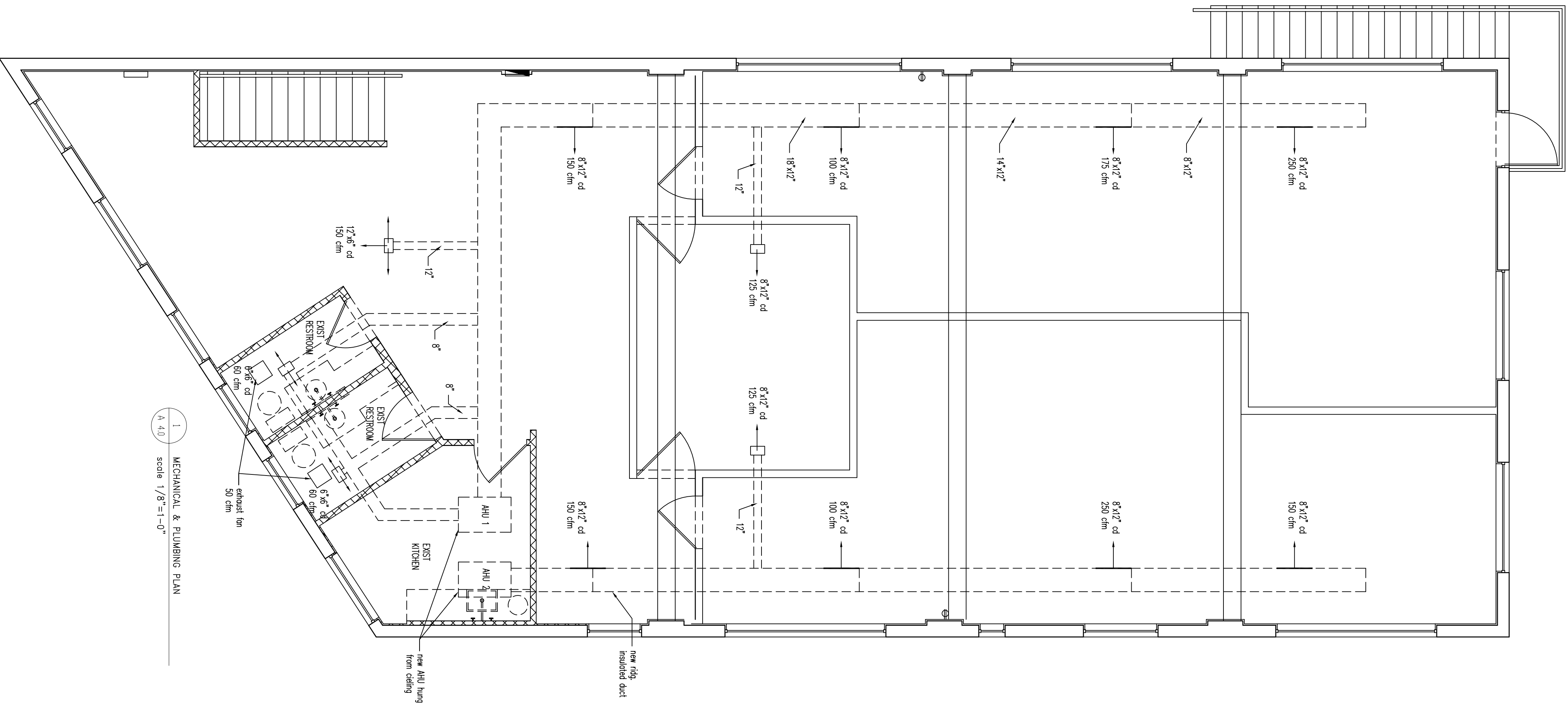
CONDENSING UNIT MOUNTING DETAILS

**AIR CONDITIONING  
GENERAL NOTES**

ALL AHU TO HAVE COND. DRAIN FLOW SWITCH  
ALL EXHAUST DUCT SHALL BE CONSTRUCTED OF SHEET METAL, TERMINATE OUTSIDE THE BUILDING, AND BE EQUIPPED WITH A BACKDRAFT DAMPER. (T-FIN ALLOWED)  
DUCTS FROM TOILET ROOMS SHALL DISCHARGE TO THE OUTSIDE OF THE BUILDING, SHALL BE TERMINATED NOT LESS THAN 6 INCHES ABOVE THE FINISH ROOF SURFACE, AND SHALL BE SCREENED WITH A CORROSION RESISTANT (PROVIDE GOOSE NECK OR RAIN CAP ON ROOF TERMINATIONS)  
CLOTHES DRYER EXHAUST DUCT SHALL NOT BE SCREENED.  
CLOTHES DRYERS EXHAUST DUCT (OR VENTS) SHALL COMPLY WITH MANUFACTURERS INSTALLATION INSTRUCTIONS, BE PROTECTED FROM DAMAGE BY OVERHEAD POWER LINES, BE RUN IN A SMOOTH ON TERROR SURFACE WITH JOINTS RUNNING IN THE DIRECTION OF THE AIR FLOW. DUCTS JOINTS SHALL NOT BE ASSEMBLED WITH SHEET METAL SCREWS OR OTHER FASTENERS WHICH WOULD EXTEND INTO THE DUCT.  
GENERAL  
PROVIDE ( FURNISH AND INSTALL ) ALL NECESSARY MATERIALS AND LABOR FOR A COMPLETELY OPERATIONAL AIR CONDITIONING, HEATING AND VENTILATING SYSTEM AS SHOWN ON THE DRAWINGS AND HEREIN SPECIFIED INSTALL IN ACCORDANCE WITH THE FLORIDA BUILDING CODE, ASHRAE, SMACNA, NFPA, AND LOCAL ORDINANCES.  
REFRIGERANT PIPING, SEAMLESS COPPER TYPE "L" AND HARD OR SOFT DRAWN ON AGR COPPER TUBING WITH WROUGHT COPPER SOLDER JOINT FITTINGS. SOLDER SHALL BE 95/5 APPLIED WITH SUITABLE FLUX.  
INSULATE ALL REFRIGERANT SUCTION PIPING WITH 1/2" CLOSED CELL POLYETHYLENE PREMOULDED PIPE INSULATION, WITH AN APPROVED PIPE AND SMOKE JACKET, PAINT ALL EXPOSED INSULATION WITH TWO COATS OF WHITE LATEX PAINT.

SPLIT SYSTEM SCHEDULE			
UNIT	1	2	
TOTAL CAPACITY BTU/HR	60,000	60,000	
SENS CAPACITY BTU/HR	-	-	
COM SUPPLY	1482	1482	
HEATER KW	4.9	4.9	
ESP-IN. WG.	-	-	
A.H.U. MCA	-	-	
C.U. FLA	22.3	22.3	
VOLTAGE	240 V - 1 Ph	240 V - 1 Ph	
DESIGN MANUFACTURER	GOODMAN	GOODMAN	
F.C. MODEL NO.	ARJ061-00A-1	ARJ061-00A-1	
C.U. MODEL NO.	CLJ60-1	CLJ60-1	
SEER	12.00	12.00	
LIQUID/SUCTION SIZE-IN	3/8" - 7/8"	3/8" - 7/8"	

A.H.U. DIMENSIONS			
WIDTH	22"	22"	
LENGTH	53"	53"	
DEPTH	24"	24"	



MECHANICAL & PLUMBING PLAN  
scale 1/8"=1'-0"

**AFFIDAVIT**

STATE OF FLORIDA                    }  
  }SS:  
COUNTY OF DADE                    }

**BEFORE ME**, the undersigned authority personally appeared Clayton Clavette (“Affiant”), who after being duly sworn, deposes and says:

1. Affiant is the owner of the real property located at 19 Northwest South River Drive, Miami, Florida 33128 (the "Property").

2. Affiant appeared through counsel before the Accessibility Advisory Council (“Council”) to request a waiver of the accessibility requirements set forth in Section 553.509, Florida Statutes (“Waiver”).

3. The Council, upon a determination that the Affiant demonstrated economic hardship in accordance with Section 36.403(f)(1), Code of Federal Regulations, recommended approval of the Waiver to the State of Florida Building Commission (“Commission”).

4. The Commission granted the Affiant’s Waiver request on February 26, 2008 (“Order”).

5. The Order required the Affiant to commence construction by February 26, 2009 otherwise the Order would expire.

6. Due to several unforeseeable circumstances Affiant was unable to commence construction, including, but not limited to:

- a) Subsequent to the Commission’s issuance of the Order, several third parties pursued purchasing the Property from Affiant with the intention of tearing down the existing structure and rebuilding the Property. As a result of the third party interest in the Property, the Affiant was unable to move forward with construction.
- b) After the Property did not sell, the Affiant remobilized construction efforts. As a result of the difficult economic climate, the Affiant was not able to begin construction in time to comply with the Order.
- c) The original design team was replaced causing significant delay as a result of the preparation time required to perform the construction.

7. As a result of the above circumstances, the Affiant was unable to begin construction by February 26, 2009.

8. The Affiant intends to move forward with construction immediately after the Order is

reinstated.

9. Affiant intends to construct the improvements in the same manner, design, scope and cost as originally contemplated in Affiant's Waiver request and as approved by the Commission pursuant to the Order.

10. Affiant is requesting that the Order be reinstated and extended so that Affiant may begin construction as contemplated by the Order.

11. Affiant further states that he is familiar with the nature of an oath and with the penalties as provided by the laws of the State of Florida for falsely swearing to statements made in an instrument of this nature.

FURTHER AFFIANT SAYETH NOT.

*Clayton Clavette*  
Clayton Clavette

STATE OF FL )  
 ) SS:  
COUNTY OF DADE )

The foregoing instrument was acknowledged before me this 15 day of NOV, 2010, by Clayton Clavette. He is personally known to me or has produced a State of FL driver's license as identification.

*Jason Dimond*  
Print Name:  
[NOTARIAL SEAL]  
Notary Public, State of Florida  
My commission expires:  
Serial No., if any: \_\_\_\_\_

