Department of Community Affairs FLORIDA BUILDING COMMISSION 2555 Shumard Oak Boulevard Tallahassee, Florida 32399-2100

NOTICE TO WAIVER APPLICANTS

Please make certain you comply with the following:

- The person submitting the waiver request application as the Applicant MUST sign the application. Should you fail to do so, your application will be returned.
- If a licensed design professional (architect or engineer) has designed the project, his or her comments MUST be included as a part of this application.
- Be as explicit as possible. The more information provided to the Florida Building Commission, the more informed its decisions can be. If you are claiming financial hardship, please specify why and to what degree.
- If at all possible, PLAN TO ATTEND the Accessibility Advisory Council and the Florida Building Commission meetings. Sometimes pertinent facts are inadvertently omitted, or information provided/presented in the Request for Waiver application is not clear. Your attendance at the meetings to answer questions will enhance the possibility of the waiver being approved, since the Council and the Commission will receive the most complete information from you. When we receive the completed application, we will send you a notice of the time, date, and place for both the Council and the Commission meetings.

Enclosed is a **List of Required Information** and the **Request for Waiver** application.

If you have any questions or would like additional information, please call the Codes and Standards Section at (850) 487-1824.

Please mail this application to the Department of Community Affairs at the address above. As well as a hard copy, please include a copy of the application and drawings or plans on a CD in PDF format. NOTE: Please do not send CAD files, but rather scan the CAD files and save as a pdf. Must be in Microsoft Compatible format.

NOTE: Failure to submit electronically will not have any bearing on whether your petition is heard by the Commission, however, electronic filing will facilitate the Commission's movement toward utilizing CD technology to display the waiver application and attached floor plans to the Counsel and Commission.

This application is available in alternate formats upon request.

LIST OF REQUIRED INFORMATION:

1. X Drawings that will clearly present your project and that identify the issue(s) that
relate to the waiver you are requesting. As a minimum, the following drawings must be
submitted:
a. Project site plan
b. 24" x 36" minimum size drawings
c. Building/project sections (if necessary to assist in understanding the waiver request)
d. Enlarged floor plan(s) of the area in question
2 One set of reduced scale (11" x 17") versions of the drawings submitted in item one
above.
3 One set of overhead transparencies (8 ½" x 11") of the drawings submitted in item
one above. When numerous features are shown on the drawings, please designate the location
of the waiver items by highlighting or outlining in color the affected areas.
4. X When substantial financial cost of compliance is alleged, supporting cost estimates
with quotes from at least two vendors or contractors and catalog information.
5 If you feel photographs and/or renderings are necessary for your presentation, provide
40 legible color photocopies of the photographs and/or renderings. If color photocopies of
photographs are provided, use a minimum size of 4" x 6" photographs with a maximum of two
photographs per photocopied page.
6. X Please submit a hard copy of this application to the Department of Community
Affairs. PLEASE NOTE: Although not required by Rule 9B-7, F.A.C., in addition to the hard
copy please include a copy of the application and drawings or plans on a CD in PDF format.

General Information:

- a. **Equipment:** A CD projector is provided at the Accessibility Advisory Council and Florida Building Commission meetings. Any other equipment necessary for your presentation, such as an overhead projector, TV/VCR, slide or LCD projectors, etc., is the responsibility of the applicant.
- b. **Verbal Descriptions:** Presentations may be to sight or hearing impaired persons; visual presentations should consider adequate verbal and text descriptions of charts and pictures.

Your application will be reviewed by the Accessibility Advisory Council. You will have the opportunity to answer questions and/or make a short presentation **not to exceed 15 minutes**. The Council will provide recommendations to the Florida Building Commission. The Commission will review the application. You will have another opportunity to answer questions and /or give a short presentation **not to exceed 15 minutes**. The Commission will consider all information and the Council's recommendation before voting on the waiver.

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: Christian Liaigre

Address: 137 Northeast 40th Streeet

Miami, Florida 33137

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: Stephen Brasgalla, Architect P.A.

Applicant's Address: 6991 West Broward Boulevard -Suite 100

Plantation, Florida 33317

Applicant's Telephone: 954-614-3801 FAX: 954-208-0600

Applicant's E-mail Address: architect@design23.net

Relationship to Owner: Architect

Owner's Name: James Goldsmith, Gator Investments

Owner's Address: 1595 Northeast 163rd Street

North Miami Beach, Florida 33162

Owner's Telephone: 305-949-9049 FAX: 305-948-6478

Owner's E-mail Address: jag@gatorinvestments.com

Signature of Owner Agent:

Alle Smala

Contact Person's Telephone: 954-614-3801 E-mail Address: architect@design23.net 3. Please check one of the following: [] New construction. Addition to a building or facility. [X] 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.) This is an existing two-story building. Each floor is 2,479 square feet for a total building square footage of 4,958 square feet. The building will be mercantile occupancy, occupied by one tenant, Christian Liaigre, a design and art gallery. 5. Project Construction Cost (Provide cost for new construction, the addition or the alteration): Please see attached cost estimates from two licensed General Contractors. 6. Project Status: Please check the phase of construction that best describes your project at the time of this application. Describe status. [] Under Design [X] Under Construction* [] In Plan Review [] Completed* * Briefly explain why the request has now been referred to the Commission.

Contact Person: Stephen Brasgalla

This project is a single Tenant who conducts business on the ground floor of the building, fully accessible to the Public. There are no essential functions or unique functions which occur on the second floor that are not also provided on the ground floor. The upper areas are primarily private use areas of duplicated function. The Public is met and serviced at the ground level. In the view of the Tenant, the size and scope of the project do not warrant the expense and the floor area dedicated to this type of vertical accessibility (meaning the construction of a new lift enclosure). This is an existing building which functions identically to the manner in which it has been used for many years. Simply put, it is not programmatic for the Tenant, nor is it budgetary and represents a burden on the Tenant which is perceived as unnecessary and onerous.

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

Issue

1: Florida Statutes 553.509 Vertical Accessibility.

(As I'm certain you are fully versed of course, the Federal ADA Accessibility Law Section 36.404(a) states that the requirement of Vertical Accessibility may be waived when the altered building is less than three stories and under 3,000 s.f. per floor.

Along similar lines, the Florida Building Code Advisory Section 206.2.3 (Exceptions) indicates that the FBC Code requirements may be appropriately waived down to the ADA standards, as described in the above item. Therefore this request is in alignment with both Federal ADA law and the FBC 2010.)

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.

In this case, the Tenant made agreements to lease the building and made plans and budgets to occupy the space and open for business in the manner to which they are accustomed. The possible requirement for a vertical accessibility lift was not anticipated. The Tenant's pro forma (meaning their functional intentions of using the space) depend on a certain amount of usable floor area. The subtraction of this functional space presents a financial liability as well as a space consideration which borders on making the space unsatisfactory in terms of its layout and flow.

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

Again, in the context of an unexpected requirement for a possible vertical accessibility lift, the substantial cost of the installation (which at the risk of being repetitive is not a programmatic element required by the Tenant) make the project financially unfeasible and exceeds the budget that has been established. The cost overrun could render the project untenable.

[] 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.

Please see attached cost estimates from two licensed General Contractors.

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.

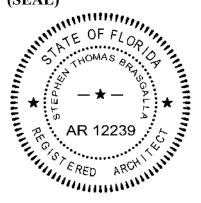
I am the Architect of Record for this project. The permit has been issued and the job is under way. I have inspected the project on many occasions. I have personally prepared this waiver request and have authorized its contents. I am in agreement with the justification statements put forth in items 6. and 7. of this waiver application. I thank you for your kind consideration and ask respectfully that you approve our request for exemption, in accordance and compliance with applicable code, law and the intent and spirit of the relevant accessibility codes.

Signature

Stephen Brasgalla, Architect P.A. **Printed Name**

Phone number: 954-614-3801

(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 18th day of December, 2012

Signature

Stephen Brasgalla

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.

Access Lifts And Elevators Inc.

Access Lifts and Elevators Inc.
Phone: 954 826-5438 Fax: 954-894-7707
8362 Pines Blvd #380
Pembroke Pines. Florida 33024



PROPOSAL

SUBMITTED TO: Carolyn Stewart

stephenbrasgalla architect, p.a. 6991 West Broward Boulevard, Suite 100

Plantation, Florida 33317

Tel. 954.655.6175 Fax. 954.208.0600

Email: carolyn@design23.net

PREPARED BY: Jim Jeschonek

Access Lifts and Elevators Mobile: 561-602-7506

Email: jim.jeschonek@gmail.com

DATE: 12/7/12

PROJECT: Christian Liaigre

137-139 NE 40th Street Miami, Florida 33137

FOR: VLC-SL-168 Vertical Platform Lift

SCOPE: This proposal is intended to cover the complete furnishing of one (1) VLC-SL-168 Vertical Platform Lift manufactured by Symmetry Elevator Solutions., and installed by Access Lifts And Elevators Inc. All work shall be performed in a workmanlike manner and shall include all work and material in accordance with the following as specified herein:

PACKAGE TYPE: VPC-SL-168

DRIVE: Roped Hydraulic

MODEL NAME: VPC-SL-168

PIT: 3" Pit to avoid Ramping

CONFIGURATION: 90 degree

COLOR: Ivory

TOTAL TRAVEL: 156" To be field verified. Maximum travel 171".

RATED LOAD: 750 lbs.

GATES: Lower: Fire door/ with auto opener

Upper: Fire Door / with auto opener

CALL SEND CONTROLS: Keyed constant pressure controls at both landings & platform **OPTIONS INCLUDED:** ADA Platform emergency Lighting, ADA Phone and lowering device,

POWER: To be supplied by others:

> 115 VAC, 60 Hz, 20 amp lockable, fusible disconnect (Location to be determined by Access Lifts And Elevators Inc.).

HOISTWAY: Provided by others

DOORS: Installation of fire doors and frames by others

PHONE LINE: Provided by others

HOISTWAY LIGHTING: Supplied by other must be minimum 5 candlelight

WARRANTY: Manufactures warranty 4 year limited parts warranty on the basic unit, including all electrical and drive components.. We provide a (90) day labor warranty that runs from the date of completion of the work. Any work required will be completed during normal working hours and days. No overtime work is included. One (1) hour of round trip travel from our location is included in the warranty for each warranty trip needed in the first 90 days. All additional travel time will be billed at the normal billing rate. Warranties provided by us an the manufacture do not cover any parts or labor required as a result of misuse or vandalism or any other work performed by anyone other than Access Lifts and Elevators personnel. Access lifts will not under this warranty reimburse purchaser or the owner for the cost of work done by others.

This warranty is in lieu of any other liability for defects. Access Lifts and Elevators makes no warranty of merchantability and no warranties which extend beyond the description in this agreement, nor are there any other warranties, express or implied, by operation of law or otherwise.

ACCEPTANCE OF INSTALLATION: Delivery and installation of the VPC-SL-168 is by Access Lifts and Elevators Inc. All other work, including but not limited to pit requirement, structural support, landing preparation, and power supply to the unit is not the responsibility of Access lifts And Elevators. (Building permit or approval from local building authority is by owner.)

PRICE: We propose to furnish and install the equipment for Christian Liaigre Miami Florida for the net sum of

\$ \$28,217.00(TWENTY EIGHT THOUSAND TWO HUNDRED AND SEVENTEEN DOLLARS AND ZERO CENTS)

Includes tax, Permit and Inspection. .

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ACCEPTANCE OF PROPOSAL: The contract price, terms, specifications and conditions are satisfactory and are hereby accepted. Access Lifts And Elevators Inc. is authorized to proceed with provision of the equipment specified. I understand this order is subject to cancellation charges under the following schedule: 25% if cancelled prior to engineering work, 50% after engineering is complete, 70% if in production, and 100% if production is completed. All orders are subject to credit approval. We reserve the right to discontinue our work at any time until payments have been made as agreed and we have assurance satisfactory to us that the subsequent payments will be made as they become due. A monthly service charge of 1 ½ % will be due on all amounts not paid within 30 days. You also agree to pay, in addition to any defaulted amount plus service charges, all attorneys' fees, collection costs, or court costs in connection therewith.

This proposal is submitted for acceptance within **Thirty (30)** days from the date submitted by us.

This proposal, when signed and accepted by the Purchaser and approved by an officer of Access Lifts And Elevators Inc. shall constitute exclusively and entirely the contract between parties, and all prior representations or agreements, whether written or verbal, not incorporated herein, are superseded. No changes in or additions to this agreement will be recognized unless made in writing and properly executed by both parties.

Despectfully Submitted

DATE:	20	Access Lifts and Elevators Inc.
BY:		BY: Jim Jeschonek
Purchaser – Signature – Title		Sales Executive



December 18, 2012

Department of Community Affairs Florida Building Commission 2555 Shumard Oak Boulevard Tallahassee, Florida 32399-2100

RE:

AGENT AUTHORIZATION LETTER CHRISTIAN LIAIGRE 137 Northeast 40th Street MIAMI, FLORIDA 33137

Dear State Officials:

I am the owner of the above property. Stephen Brasgalla, Architect shall be my agent in the matter of our application for the Vertical Accessibility Lift Waiver. He will submit the package and manage the process. He is entitled to sign documents related to this submission.

Thank you for your kind attention to this matter. If you have questions or comments, please contact Joseph Champagnie at the telephone numbers listed below.

Sincerely,

James Goldsmith

President

GATOR ACQUISITIONS, INC.

Tel: 305.949.9049
Fax: 305.948.6478
Cell: 786.385.2030
1595 N.E. 163 Street
N. Miami Beach, FL 33162
www.gatorinvestments.com

Page Two Department of Community Affairs Florida Building Commission

STATE OF FLORIDA)

SS:

COUNTY OF MIAMI-DADE

On this 16 day of county and State, personally appeared James Goldsmith as President of Gator Acquisitions, Inc who executed the foregoing instrument on behalf of said corporation for the purposes therein expressed. He is personally known to me or has produced as identification. In witness whereof, I have hereunto set my hand and official seal the day and year last written above.

Notary Public

Print Name:

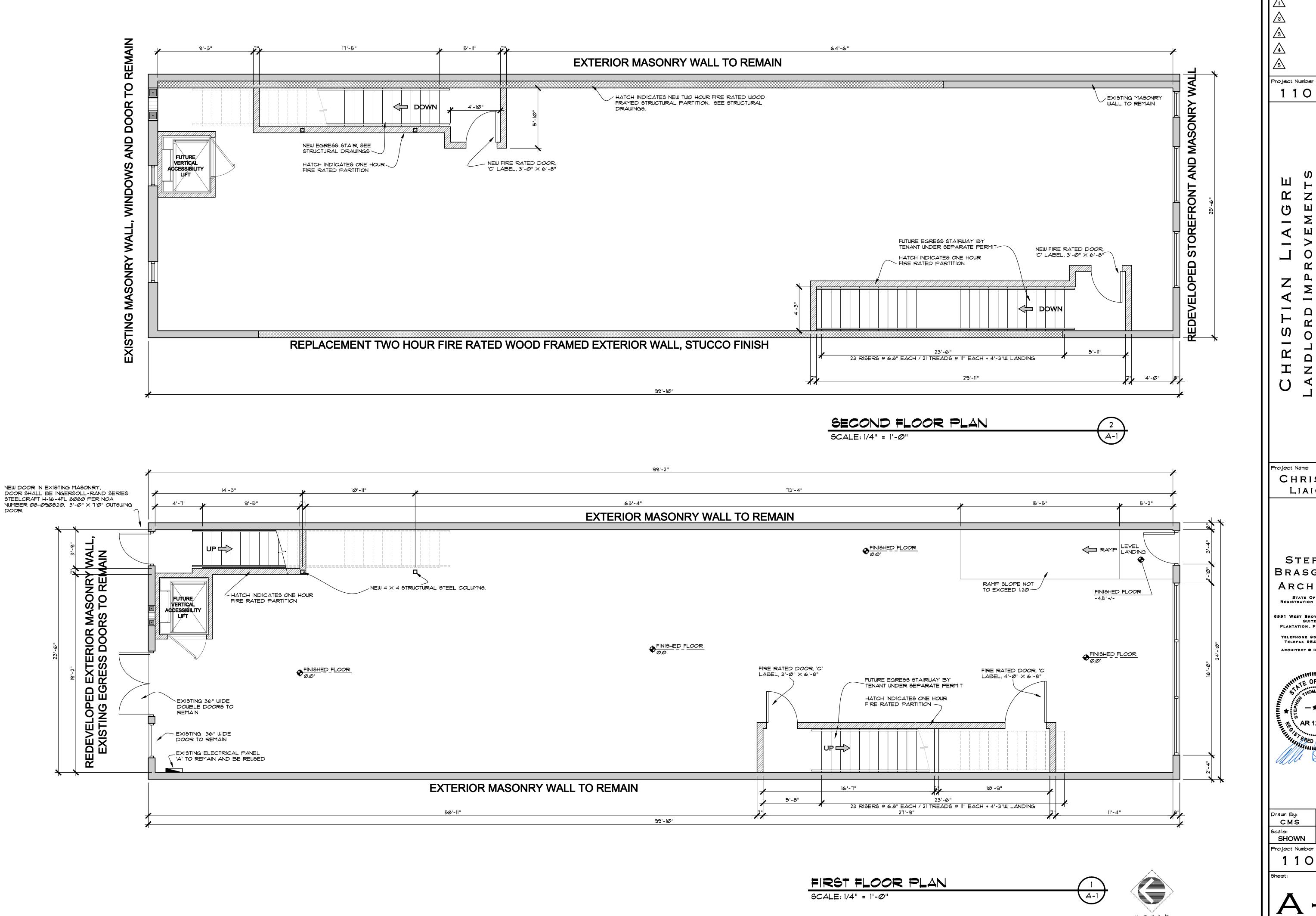
SEAL NOTARY PUBLIC

My Commission Expires

JOSEPH Z CHAMPAGNIE MY COMMISSION # EE162934 EXPIRES January 24, 2016

FloridaNotaryService com

Tel: 305.949.9049 Fax: 305.948.6478 Cell: 786.385.2030 1595 N.E. 163 Street N. Miami Beach, FL 33162 www.gatorinvestments.com



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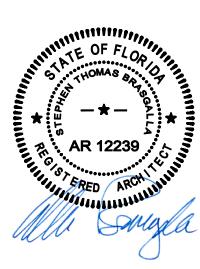
110102

Revisions:

Project Name CHRISTIAN LIAIGRE

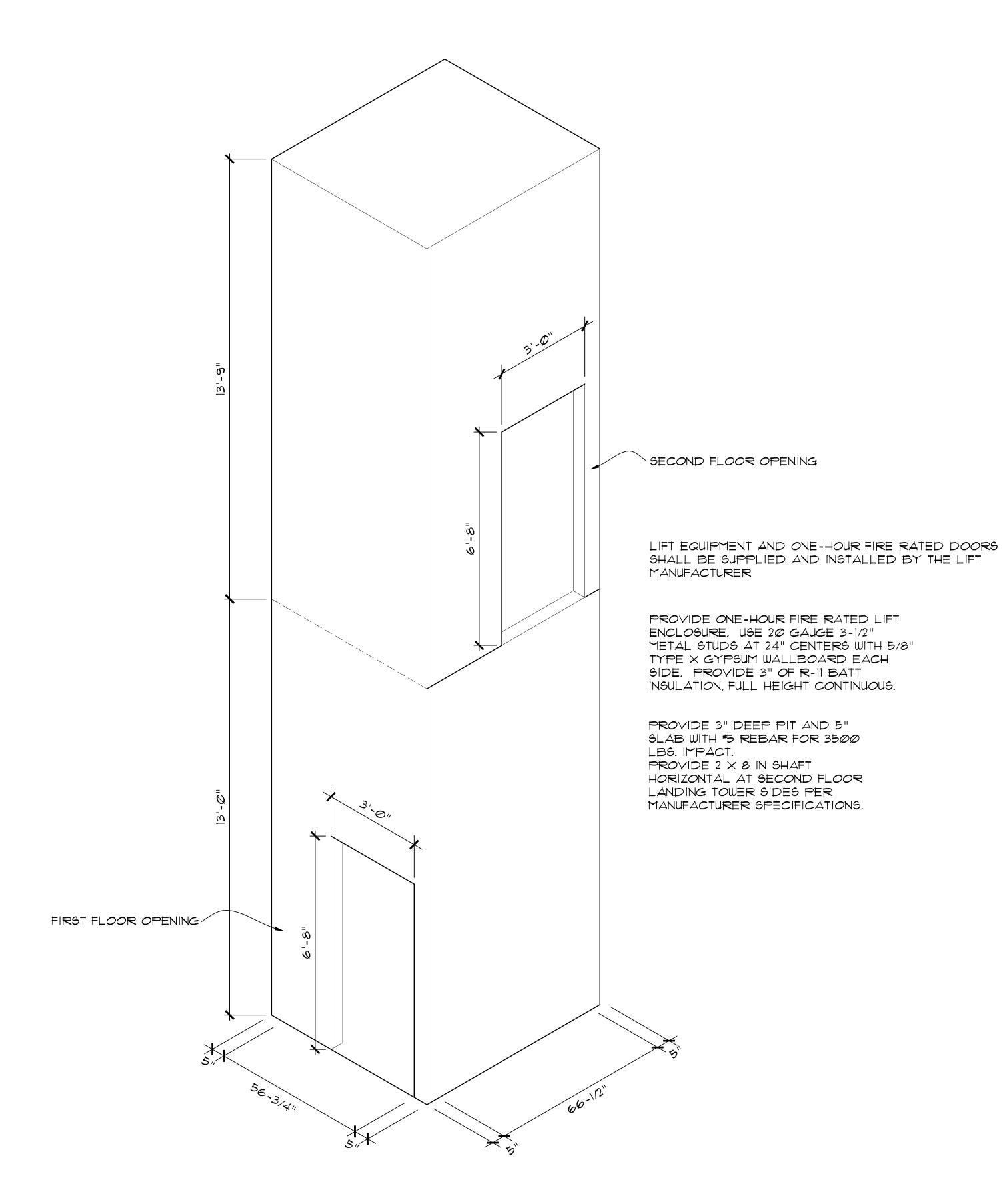
STEPHEN BRASGALLA, ARCHITECT STATE OF FLORIDA REGISTRATION NO. AR12239

6991 WEST BROWARD BOULEYARD PLANTATION, FLORIDA 33317 TELEPHONE 954.614.3801 TELEFAX 954.208.0600 ARCHITECT @ DESIGN23.NET



Checked By: Drawn By: STB CMS SHOWN 12-17-12

Project Number 110102



LIFT SHAFT ENCLOSURE ISOMETRIC SCALE: 1/2" = 1'-0"

SHAFTWAY DESIGN- 90° EXIT. LOWER LANDING PIT MOUNTED APPLICATION.

Revisions:

Project Number

110102

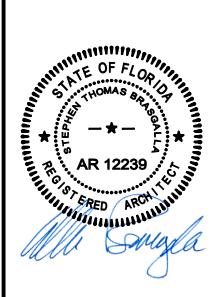
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Project Name CHRISTIAN

LIAIGRE

STEPHEN BRASGALLA, ARCHITECT STATE OF FLORIDA REGISTRATION NO. AR12239

6991 WEST BROWARD BOULEVARD SUITE 100 PLANTATION, FLORIDA 33317 TELEPHONE 954.614.3801 Telefax 954.208.0600 ARCHITECT @ DESIGN23.NET



Drawn By: Checked By: STB CMS SHOWN | 12-17-12

Project Number 110102

LANDLORD IMPROVEMENTS

CHRISTIAN LIAIGRE

137-139 Northeast 40th Street MIAMI, FLORIDA 33137



INDEX OF DRAWINGS

- TITLE SHEET AND SITE PLAN
- FIRST AND SECOND FLOOR PLAN
- A-2 LIFT ENCLOSURE ISOMETRIC

GOYERNING CODE:

BUILDING DATA SUMMARY

BUILDING HEIGHT: EXISTING (TWO STORY)

CONSTRUCTION TYPE: TYPE V, A (PROTECTED)

THE EXISTING CEILING IS NOT FIRE RATED
THE NEW CEILING IS BY TENANT UNDER SEPARATE PERMIT

THE BUILDING IS NOT FIRE SPRINKLERED

TOTAL AREA:

AREA OF EXISTING BUILDING (GROSS S.F.)

4,958 SQ. FT.

2,479 SQ. FT. FIRST FLOOR 2,479 SQ. FT. SECOND FLOOR

LOCATION OF

LOCATION MAP SCALE: NOT TO SCALE

EXISTING PROPERTY

north

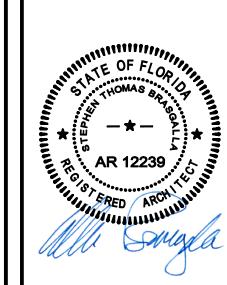
Project Number 110102

Revisions:

CHRISTIAN LIAIGRE

STEPHEN BRASGALLA, ARCHITECT STATE OF FLORIDA REGISTRATION NO. AR12239

6991 WEST BROWARD BOULEVARD SUITE 100 PLANTATION, FLORIDA 33317 TELEPHONE 954.614.3801 TELEFAX 954.208.0600 ARCHITECT @ DESIGN23.NET



Checked By: STB CMS SHOWN 12-17-12

Project Number 110102

Air Handlers of the Palm Beaches, Inc d/b/a FBI Construction CGC 1576159

3285 Lake Worth Rd Suite L Palm Springs Fl 33461

Estimate

Date	Estimate #	
12/14/12	3454	

Name / Address	
Christian Liaigre	
137 NE 40th Street	
Miami, Florida 33137	
Permit # 12000757	

			Project
Description	Qty	Rate	Total
		ridio	Total
Lift Mechanism - Supplied and Installed by Specialty			
Contractor			28,217.00
Construction of Shaft Enclosure (includes framing and fire rated enclosure with concrete form per plans)			19,500.00
Electrical Wiring - Supplied by Electrician			2,900.00
General Conditions and Overhead/Profit			7,592.55
			58,209.55
	"	Total	30,209.33



December 17, 2012

Permit No. 12000757

Christian Liaigre 137 Northeast 40 Street Miami, Florida 33137

Construction Quote:

Furnish and install a vertical accessibility lift within an existing two story building.

Lift Mechanism:

Total adjustment to contract:

Furnished and installed by Specialty Contractor:	\$ 28,217.00
Shaft Enclosure:	
Light gauge metal studs, fire-rated construction and concrete work: Materials & Labor	\$ 22,000.00
Electrical work	\$ 3,300.00
Overhead & Profit	\$ 6,422.00

\$ 59,939.00

stephenbrasgalla architect, p.a.

DOCUMENT TRANSMITTAL

Date: **December 18, 2012**

To: **Department of Community Affairs FLORIDA BUILDING COMMISSION**

2555 Shumard Oak Boulevard Tallahassee, Florida 32399-2100

Attn: Mary-Kathryn Smith

Tel. 850-410-2598

Re: **Christian Liaigre**

137–139 Northeast 40th street Miami, Florida 33137

Dear Ms. Smith,

I am representing James Goldsmith of Gator Investments, Owner of the property at 137-139 Northeast 40^{th} Street, Miaimi, Florida. I am submitting the application package for the Vertical Accessibility Lift Waiver. The following is included in this submittal:

One (1) set of 24" x 36" plans; sheets T-1, A-1 and A-2

One hard copy of the Waiver Application

Two (2) Estimates for the lift, installation of the lift and construction of the lift enclosure

The Estimate for the lift from the lift manufacturer An Agent Authorization Letter executed by the Owner

One (1) CD containing all of the above in PDF format

Thank you so much for your kind assistance. Please contact me if you have questions or comments.

Best regards,

Steve Brasgalla