

**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: The Upside Down "Fun" House - a Passive Recreational Amusement Structure

Address: Miami International Mall, 1455 NW 107th Ave., Doral, FL 33172 (Proposed Site)

Note: Developer has a tentative agreement to lease land from Miami International Mall but is waiting for this waiver recommendations to see if project is even viable.

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: Francisco Miguez, Jr., KVH Architects, P.A.

Applicant's Address: 3900 NW 79th Avenue, Suite 465, Doral, Florida, 33166-6548

Applicant's Telephone: 305-599-5221 **FAX:** 305-599-5296

Applicant's E-mail Address: franky@kvharchitects.com

Relationship to Owner: Owner's Architect

Owner's Name: Kay Oster

Owner's Address: 8562 NW 108th Avenue, Doral, Florida, 33178

Owner's Telephone: 786-246-6820 **FAX:** 305-593-9604

Owner's E-mail Address: ossi303502001@yahoo.com

Signature of Owner: 

Contact Person: Kay Oster

Contact Person's Telephone: 786-246-6820 **E-mail Address:** ossi303502001@yahoo.com

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 two level Recreational Amusement structure which requires its patrons to walk inside this structure in a physically challenged, yet safe, interior environment. The entire Amusement Structure appears to be an Upside-Down House. All its interior furniture and fixtures are upside down. It consists of approximately 1,257 square feet gross building area (GBA), on two levels. Both levels have the same square footage (approximately 629 square feet). The upside-down house interior floors, walls and ceilings are at an angle. The interior floor angle is 5% in the transverse axis and 6% at the length axis. The structure's first level is raised above the grade 6'-0".

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

The project construction cost is approximately \$250,000 (USD).

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.

Mr. Charles Danger, P.E., Director of the Miami-Dade County's Building and Neighborhood Compliance Department, stated to the owner that he needed to request a waiver from the accessibility requirements before he can proceed to have this design's building plans reviewed by Miami-Dade Building Department.

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

Issue

1: Section 553.509 Florida Statutes, which requires vertical accessibility all levels above and below the occupiable grade level.

Applicant requests a waiver from providing accessibility to all levels.

The nature of this amusement structure is that it requires its patrons to walk inside a physically challenging, yet safe, environment. All interior floors walls and ceilings are at an angle of 5% in the transverse axis and 6% at the length axis and the structure and furniture are upside-down.

Issue

2: Applicant requests a waiver from providing accessibility form grade level to the entry door level.

The nature of this amusement structure is that its interiors are not accessible; therefore we request a waiver from the requirement of providing accessible route to the entry door which is about 6 feet higher than the adjacent exterior grade and is accessed via steps. Accessibility will be provided to all exterior areas surrounding the amusement structure and up to the entry steps.

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.

The nature of this amusement structure is that it requires its patrons to walk inside a physically challenging, yet safe, environment. All interior floors are at an angle (5% and 6% slope) and entire structure and furniture are upside-down. Requirement to make this structure accessible would negate the entire concept of "amusement" and would not be a viable enterprise.

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

If a waiver from providing accessibility to all levels is denied, see "Issues" Item No. 1 above, then the entire concept of "amusement" would be cancelled and the project would not be a viable nor a profitable enterprise.

If a waiver from providing accessibility to entry door level is denied, see "Issues" Item No. 2 above, then the owner would incur substantial financial cost of installing a lift or a 60 feet long accessible ramp to the entry door of a structure that is not be accessible.

[X] 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.


If a waiver from providing accessibility to entry door level is denied, see "Issues" Item No. 2 above, then the owner would incur substantial financial cost of installing a lift or a 60 feet long accessible ramp to the entry door of a structure that is not be accessible. See attached estimates.

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. See attached letter.
- 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.

See attached letter.

Signature  Printed Name Francisco Miguez, Jr.
KVH Architects, P.A.
AR 001452 Florida

Phone number (305) 599-5221

(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 3rd day of February, 2012



Signature

Francisco Miguez, Jr.

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.

February 3, 2012

Request for Waiver From
Accessibility Requirements,
Section 553.509

Ref.: **Upside Down "Fun" House**
A Passive Recreational Amusement Structure
Miami-Dade County Florida

KVH ARCHITECTS, P.A.
THE ATRIUM SUITE 465
3900 NW 79 AVENUE
MIAMI, FLORIDA 33166

AA C002076

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305-599-5296 (F)
CARIDAD@KVHARCHITECTS.COM
FRANKY@KVHARCHITECTS.COM

KVH

CARIDAD HIDALGO-GATO
FRANCISCO MIGUEZ, JR.

AR 0012359
AR 0014952

Items 8, 9 and 10 from the Request for Waiver Application

Reason for Waiver Request

The nature of this amusement structure is that it requires its "patrons" to walk inside a physically challenging, yet safe, environment. All the interior floors, walls and ceilings are tilted and at an angle of 5% in the transverse axis and 6% at the length axis. The two level house structure and furniture are upside-down.

Because of the tilted and angled floors, walls and ceilings; this amusement structure is not accessible.

If accessibility is required to and through all levels, then the entire concept of "amusement" would be cancelled and the project would not be a viable nor a profitable enterprise and would not be built.

Also, the structure is raised above grade supported on 3 anchor points. Because of this and that it is an upside down house; the entry level door is about 6 feet above the grade and is accessed via steps.

If accessibility is required to the first level "entrance" then the owner would incur substantial financial cost of installing a lift or a 60 feet long accessible ramp to the "entry" door of a structure that is not accessible. The lowest cost would be an exterior lift and would add a cost of \$30,000.00, see attached estimates.

The structure itself is estimated to cost approximately \$250,000 based on previously built structures constructed by the owner in Europe

Accessibility will be provided to all exterior areas surrounding the amusement structure, up to the entry steps and from the accessible parking.

The project is a two level Recreational Amusement structure. The entire Amusement Structure appears to be an Upside-Down House. All its interior furniture and fixtures are upside down. It consists of approximately 1,257 square feet gross building area (GBA), on two levels. Both levels have the same square footage (approximately 629 square feet). The upside-down house interior floors, walls and ceilings are tilted and at an angle.

The hardship is caused by the above mentioned set of conditions affecting this owner which does not affect owners in general.

This project was referred to the Commission at the request of Mr. Charles Danger, P.E., Director of the Miami-Dade County's Building and Neighborhood Compliance Department, who has stated to the owner that he will need to request a waiver from the accessibility requirements before the owner can proceed to have this design's building plans reviewed by the Miami-Dade Building Department.

Sincerely,



Franky

Estimate I - for Exterior Wheelchair Accessible Lift

Name of Project: Upside Down House, Miami-Dade County, Florida

Access Lifts & Elevators

Authorized dealer for: Thyssenkrupp Access and National Wheel O Vator

8362 Pines Blvd # 380 Pembroke Pines, FL 33024

Main Office 954 826 5438

305-889-3151 Dade

954-989-8755 Broward

561-265-3533 Palm Beach

Fax-954-894-7707

Email:

sales@accessliftsandelevators.com

Phone: 305-889-3151 Dade

Cell: 1-561-3736765.

Per our conversation today, for a lift similar to the one shown below:

1. Exterior use designed for 2-3 stops, +/- 0', 6' and 12', 150 mph winds, cost for installation and certification \$24,000 to \$27,000.
2. Not included is electrical power supply and concrete foundation.



Additional cost to lift:

Electrical connections and installation:
\$3,500.00

Concrete pad and foundations:
\$2,500.00

Total Lift Cost, installed: \$30,000.00

Estimate II - for Exterior Wheelchair Accessible Lift

Name of Project: Upside Down House, Miami-Dade County, Florida



Garaventa Florida

3500 N.E. 11th Avenue, Suite D, Fort Lauderdale, Florida 33334

Telephone: 954 567-1252, Fax: 954 567-1178, Toll Free: 1-866-220-4781

Email: info@garaventa-florida.com

Per our conversation today, for a lift similar to the one shown below:

1. Exterior use designed for 2-3 stops, +/- 0', 6' and 14', 150 mph winds, cost for installation and certification \$26,000 to \$28,000.
2. Not included is electrical power supply and concrete foundation.



Additional cost to lift:

Electrical connections and installation:

\$3,500.00

Concrete pad and foundations:

\$2,500.00

Total Lift Cost, installed:

\$31,000.00

UPSIDE DOWN "FUN" HOUSE
A PASSIVE RECREATIONAL AMUSEMENT STRUCTURE
MIAMI-DADE COUNTY, FLORIDA

UPSIDE DOWN
HOUSE

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

SECTION 553.509 - REQUIREMENT FOR VERTICAL ACCESSIBILITY TO ALL LEVELS

OWNER:

MR. KAY OSTER

8562 NW 108th AVENUE
DORAL, FLORIDA 33178
Telephone: 786-246-6820
E-MAIL: OSSI303502001@YAHOO.COM

APPLICANT:

KVH ARCHITECTS, P.A.

FRANCISCO MIGUEZ, JR, R.A. AR 0014952
3900 N.W. 79th AVENUE, SUITE 465
MIAMI, FLORIDA 33166
TELEPHONE: (305) 599-5221
FAX: (305) 599-5296
E-MAIL: FRANKY@kvharchitects.com

INDEX OF DRAWINGS

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	INTERIORS VIEWS, PHOTOGRAPHS



PASSIVE 2-STORY
AMUSEMENT STRUCTURE

ACCESSIBLE WALK AROUND
ENTIRE AMUSEMENT
STRUCTURE

ACCESSIBLE PARKING AREA

ACCESSIBLE WALK FROM PARKING
TO AMUSEMENT STRUCTURE

OVERALL SITE PLAN, AERIAL



PASSIVE 2-STORY
AMUSEMENT STRUCTURE,
RAISED ABOVE GRADE AND
WITH ANGLED, TILTED
FLOORS, WALLS AND CEILINGS

ACCESSIBLE WALK AROUND
ENTIRE AMUSEMENT STRUCTURE

ACCESSIBLE
ENTRY/EXIT SECURITY AND
CONTROL AREA, GATE AND
FENCE

ENLARGED SITE PLAN, AERIAL



AMUSEMENT STRUCTURE'S
ENTRY/EXIT STAIRS

ENTRY/EXIT SECURITY AND
CONTROL AREA, GATE AND
FENCE

ACCESSIBLE WALK AROUND
AMUSEMENT STRUCTURE

PROJECT DESCRIPTION AND CONCEPT:

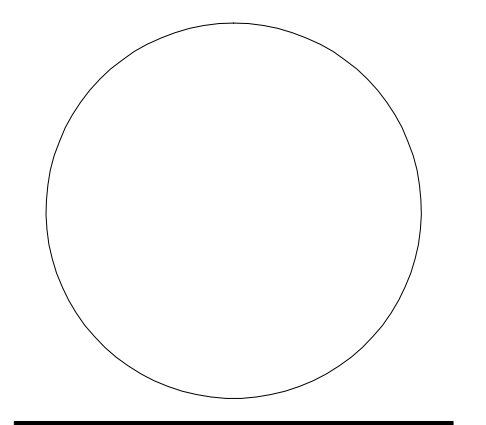
THE PROJECT CONSISTS OF A TWO LEVEL PASSIVE RECREATIONAL AMUSEMENT STRUCTURE WHICH REQUIRES ITS PATRONS TO WALK INSIDE THIS STRUCTURE IN A PHYSICALLY AND VISUALLY CHALLENGING, YET SAFE, INTERIOR ENVIRONMENT. THE ENTIRE AMUSEMENT STRUCTURE IS AN UPSIDE-DOWN HOUSE. ALL ITS INTERIOR FURNITURE AND FIXTURES ARE UPSIDE DOWN. IT CONSISTS OF APPROXIMATELY 1,257 SQUARE FEET GROSS BUILDING AREA, ON TWO LEVELS. BOTH LEVELS HAVE THE SAME SQUARE FOOTAGE (APPROXIMATELY 629 SQUARE FEET). THE UPSIDE-DOWN HOUSE EXTERIOR AND INTERIOR FLOORS, WALLS, CEILINGS AND FURNITURE ARE AT AN ANGLE AND TILTED. THE INTERIOR FLOOR ANGLE IS 5% IN THE TRANSVERSE AXIS AND 6% AT THE LONGITUDINAL AXIS.

THE NATURE OF THIS AMUSEMENT STRUCTURE IS THAT ITS' INTERIOR IS NOT ACCESSIBLE DUE TO THE ANGLED AND TILTED FLOORS, WALLS AND CEILINGS THEREFORE WE REQUEST A WAIVER FROM THE REQUIREMENT OF PROVIDING ACCESSIBLE ROUTE THROUGH THE STRUCTURE AND TO THE ENTRY DOOR WHICH IS ABOUT 6 FEET HIGHER THAN THE ADJACENT EXTERIOR GRADE AND IS ACCESSED VIA STEPS.

ACCESSIBILITY WILL BE PROVIDED TO ALL EXTERIOR AREAS SURROUNDING THE AMUSEMENT STRUCTURE. THE REQUIREMENT TO MAKE THIS STRUCTURE ACCESSIBLE WOULD NEGATE THE ENTIRE CONCEPT OF "AMUSEMENT" AND WOULD NOT BE A VIABLE ENTERPRISE. APPLICANT REQUESTS A WAIVER FROM PROVIDING ACCESSIBILITY TO ANY OF THE LEVELS.

THE OWNER HAS TWO OTHER SIMILAR STRUCTURES BUILT AND SUCCESSFULLY OPERATING IN EUROPE, THE PHOTOGRAPHS SHOWN HEREIN ARE FROM THESE BUILT STRUCTURES, AND HE WOULD LIKE TO CONSTRUCT THIS UNIQUE PRODUCT IN MIAMI-DADE COUNTY, FLORIDA.

REVISIONS



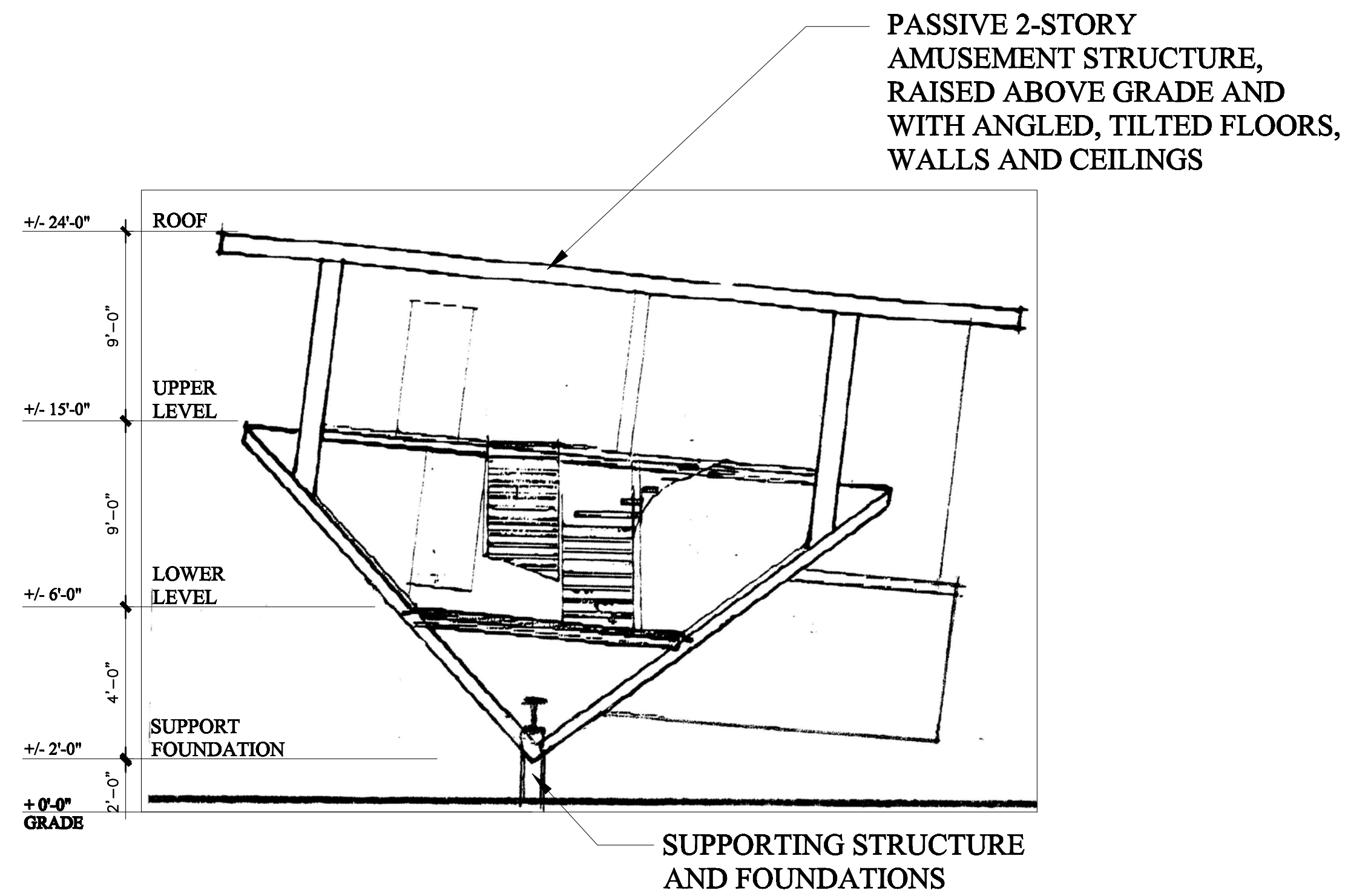
UPSIDE DOWN
HOUSE

MIAMI-DADE COUNTY, FLORIDA

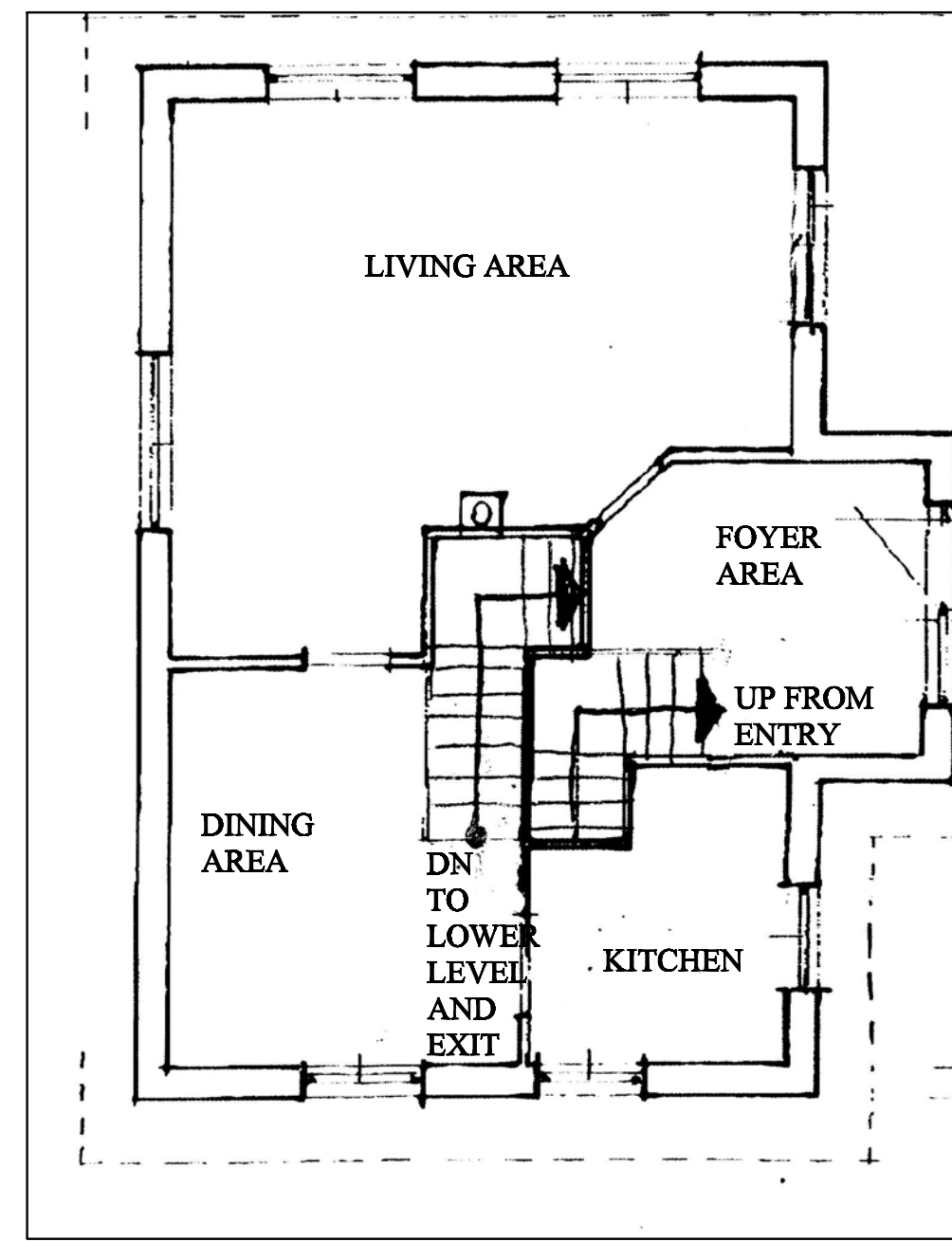
SITE PLAN
AERIALS

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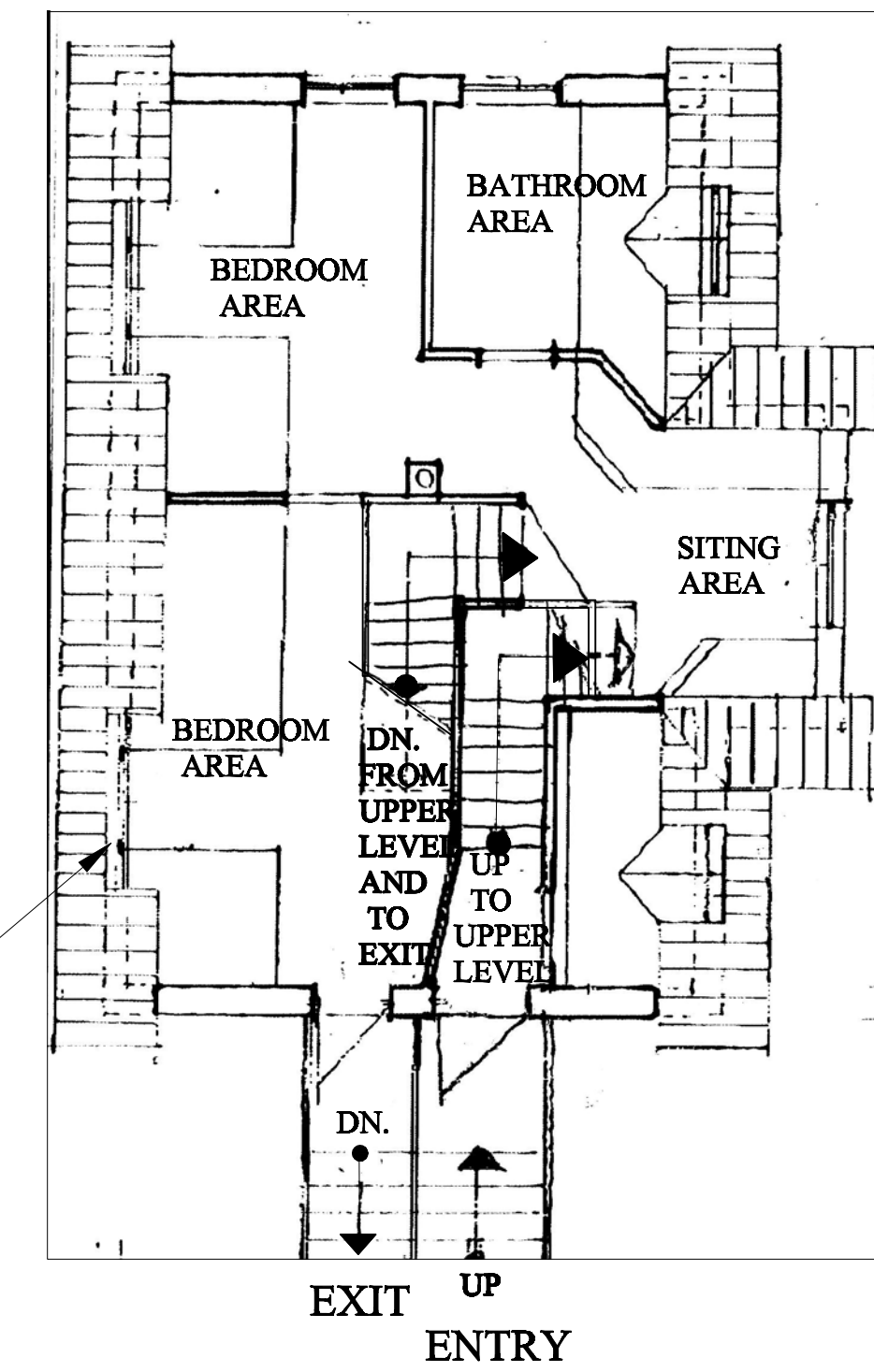
ENTRY/EXIT SECURITY AND CONTROL AREA, AERIAL



SECTION

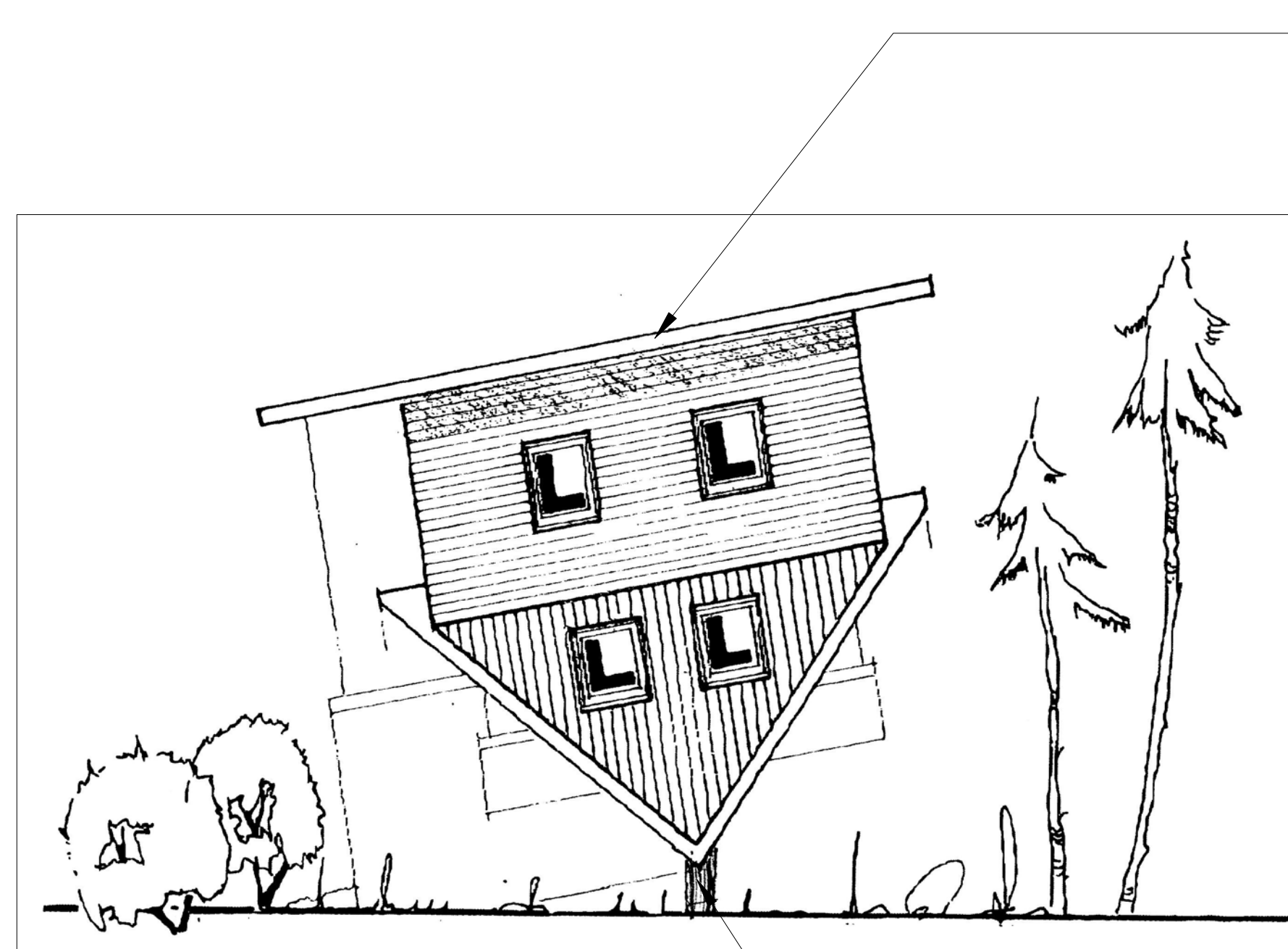


UPPER FLOOR PLAN

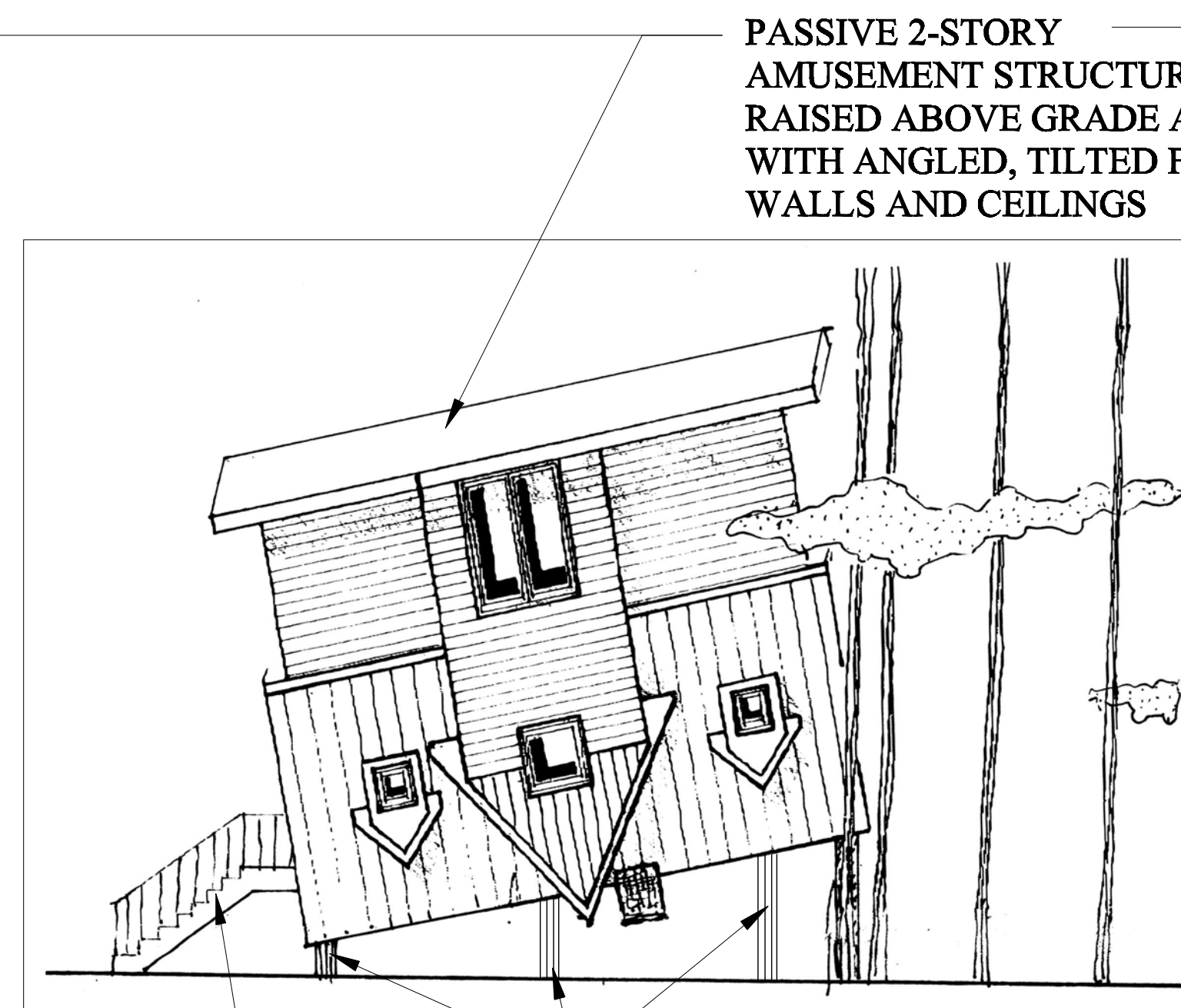


LOWER ENTRY/EXIT FLOOR PLAN

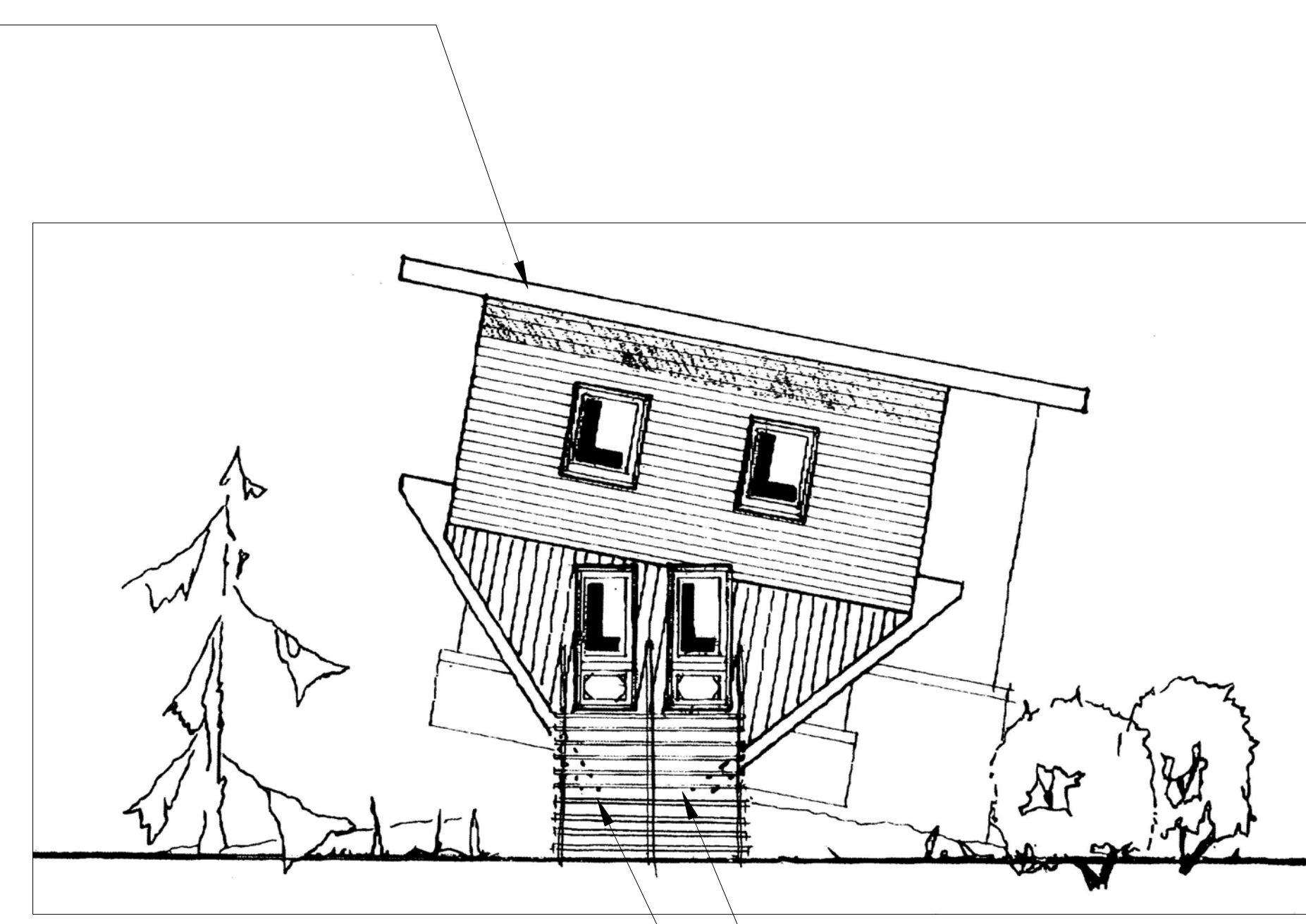
ANGLED AND TILTED AMUSEMENT STRUCTURE



REAR ELEVATION

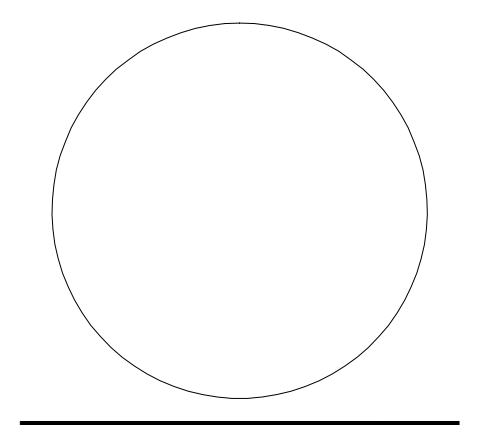


RIGHT SIDE ELEVATIONS



FRONT ELEVATIONS

REVISIONS



UPSIDE DOWN HOUSE

MIAMI-DADE COUNTY, FLORIDA

FLOOR PLANS SECTION + ELEVATIONS

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ANGLED AND TILTED
AMUSEMENT STRUCTURE

ENTRY/EXIT STAIRS

ACCESSIBLE WALK
AROUND AMUSEMENT
STRUCTURE

FRONT AND LEFT SIDE ELEVATION



ANGLED AND TILTED
AMUSEMENT STRUCTURE

ENTRY/EXIT STAIRS

ACCESSIBLE WALK
AROUND AMUSEMENT
STRUCTURE

LEFT SIDE ELEVATION



ANGLED AND TILTED
AMUSEMENT STRUCTURE

ACCESSIBLE ENTRY
GATE

SECURITY FENCE

DESCRIPTIVE AND
CAUTIONARY SIGN

TURNSTILE
ENTRY/EXIT GATE

ACCESSIBLE WALK AROUND
AMUSEMENT STRUCTURE

PAY STATION

FRONT ELEVATION



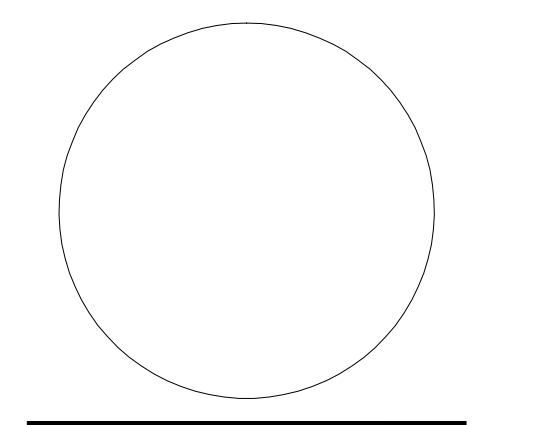
ANGLED AND TILTED
AMUSEMENT STRUCTURE

ACCESSIBLE WALK
AROUND AMUSEMENT
STRUCTURE

SUPPORTING STRUCTURE
AND FOUNDATIONS

REAR ELEVATION

REVISIONS



UPSIDE DOWN
HOUSE

MIAMI-DADE COUNTY, FLORIDA

EXTERIOR VIEWS
PHOTOGRAPHS

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LIVING ROOM AREA

FURNITURE BELOW 6'-8"
IS CUSHIONED, TYP.

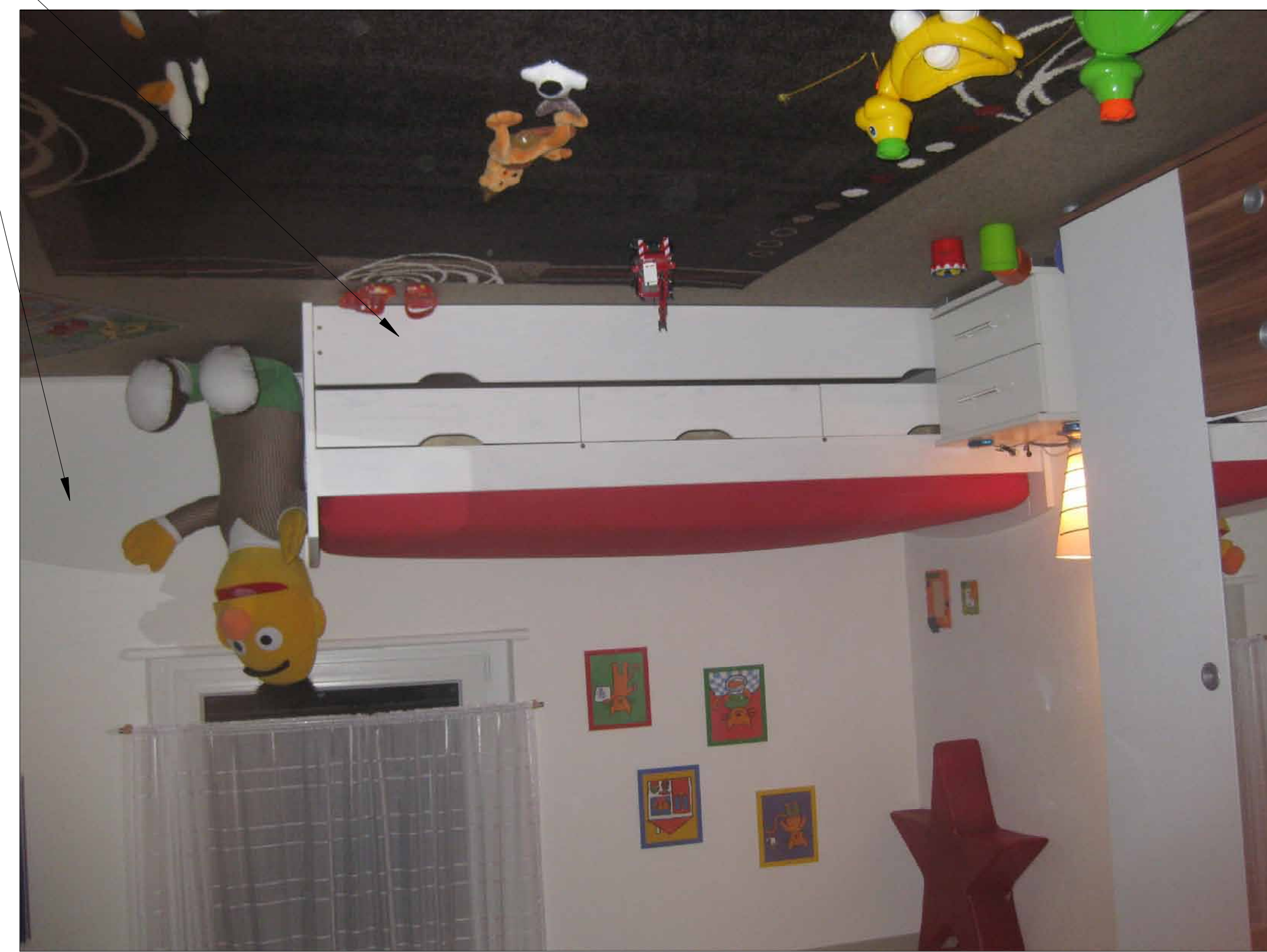


KITCHEN AREA

ANGLED AND TILTED FLOORS,
WALLS AND CEILINGS, TYP.

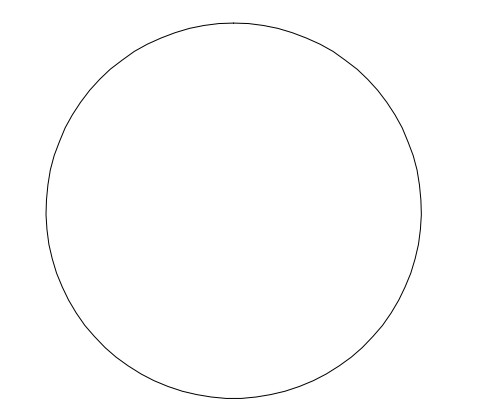


BATHROOM AREA



BEDROOM AREA

REVISIONS



UPSIDE DOWN
HOUSE

MIAMI-DADE COUNTY, FLORIDA

INTERIOR VIEWS
PHOTOGRAPHS

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