

January 9, 2015

Dear Members of the Council and the Commission:

We are including this separate and additional letter in order to provide you with as much information as possible, as requested, pertaining to this waiver application. The reason for this letter is that since our purchase of the property in question, we have tried to work with our local city and county officials in a positive and forthcoming manner. Unfortunately, it has been our experience that some of these officials have not reciprocated in a like manner. To present you with a full understanding of our position in requesting this waiver application, we feel it is important that we provide you with a full picture of the situation we find ourselves in.

This waiver is being requested for a small office building that was purchased as a commercial, POI-zoned property on April 29, 2013. Prior to purchase, we learned that the building had been vacant for some time but was utilized previously as an office for two lawyers. The rooms were actually still set up as offices and a number of business machines were left as well.

We discovered, by accident, that the usage had not been changed when we went to update our occupational/business tax certificate. We learned that the city zoning officials had never attempted to make the previous owners compliant. This important fact was not known by the realtor, bankers or lawyers involved at the time of purchase. Without this important piece of information, we purchased this foreclosed commercial property.

It took almost 12 months to get through the usage change process, with the time lag due entirely to the inefficiency of the planning and zoning officials. We finally received approval from the City on April 3, 2014. The costs were increased dramatically for us at this point; obviously something we had not factored in or budgeted for. Then, though the County Planning Department had been involved all along with this lengthy process, the review and approval of the now-even-costlier plans were not completed until June 18, 2014.

The plans that were authorized by the City/County left us, as well as our contracted service professionals, questioning what appeared to be excessive requirements. Some of these requirements made our hearts sink; in our view requiring us to compromise the "character" of this old, quaint 1950's building. Consistently throughout the project, we asked questions of everyone - from our contracted workers to our local officials - about these mandates. We received no further clarity until our plumbing contractor suggested we contact the ADA directly. We did so, collected the information we needed (we thought), and arranged a meeting with the Department Head/ADA Compliance official at the County Planning Dept. At this meeting on Friday, August 15th, 2014, after patiently listening to all the "evidence", the two employees merely indicated that none of the data and information we brought forward applied to this particular small business since the building was a considered a rezone from residential to commercial.

As we had done before, we pressed on for a better understanding. “Isn’t there anyone else we can talk to? A Supervisor or another government employee?” We were told there was nothing else we could do but comply and no one else to talk to, plus there was no leeway in time for the accomplishment of the project, either. Then, one of the men said off-handedly, we could *try* to make an appeal to the FL Building Commission.

After more questions, we finally understood what was not made clear up until that point in time: that there is a Florida requirement that a “usage-changed” property had to be treated the same as a ‘new build’. Further, we were told, cost and building integrity was not able to be considered. Not only were we, as non-professionals, in the dark about this law or statute - so was every professional involved in our project! To make matters even more frustrating for us, the two county employees with whom we had the meeting refused to admit that they had not made these requirements clear and understandable to any of us from the get-go.

So frustrated, we called the FL Building Commission and were, well...very pleasantly surprised by the totally professional, forthcoming and very helpful advice that has led to this application for waiver. And, with only two phone calls!

Please understand, we are not typically “complainers” and we have never been unwilling to comply with the mandates. We are just middle class residents trying to provide very necessary and affordable services via a small tutoring business in an older property. We have tried very hard to work with and comply with all these requirements, and through it all, adding insult to injury, some very unprofessional behavior has been added to the lack of communication. Caught, we had resigned ourselves to doing whatever it took to complete our workplace; hoping to be able to keep the building and the business despite the added costs. We also hoped that at least some of the special character of the building could be salvaged.

In summary, we are hopeful that you will see that our efforts to date have demonstrated compliance and that perhaps, we have already gone above and beyond what is really appropriate and necessary for our small office building to become ADA compliant. We have already more-than-doubled the budget we set when the property was purchased and we hope that through this appeal we can curtail some further expenses.

We look forward to a favorable response and thank you in advance for your time and consideration.

Lynda Allen and Bruce Allen