

CONGO RIVER GOLF – BONITA SPRINGS

Issue: Vertical accessibility to all 18 holes of a miniature golf course.

Analysis: The applicant is requesting a waiver from providing vertical accessibility to 9 holes of a new 18 hole miniature golf course costing \$600,000. The course will include the playing area and a village with a Golf Cubhouse, Party Room/Arcade with toilet rooms and a Gift Shop, which are fully accessible. The course is designed to permit persons with mobility impairments to play nine holes of golf with alternate pin/hole placements to provide the experience of playing 18 holes.

Project Progress:

The project is in plan review.

Items to be Waived:

Vertical accessibility to 9 holes of a miniature golf course, 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.

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: Congo River Golf

Address: 24280 S. Tamiami Trail

Bonita Springs, FL 34134

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: Adventure Golf Design & Development, Inc.

Applicant's Address: 13721 S West Bay Shore Drive, Traverse City, MI 49684

Applicant's Telephone: (231) 941-9005 FAX: (231) 941-4952

Applicant's E-mail Address: tyson.vozza@congoriver.com

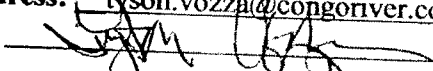
Relationship to Owner: Developer of Property

Owner's Name: Congo River Golf

Owner's Address: 13721 S West Bay Shore Drive, Traverse City, MI 49684

Owner's Telephone: (231) 941-9005 FAX (231) 941-4952

Owner's E-mail Address: tyson.vozza@congoriver.com

Signature of Owner: 

Contact Person: Tyson Vozza

Contact Person's Telephone: (407) 247-4411 E-mail Address: tyson.vozza@congoriver.com

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.)

18 Hole Miniature Golf Course facilities, with Building Cluster (Village Concept) to include Golf Clubhouse, at 288 Square feet, and a Party Room/Arcade/Restrooms of 612 Square feet. Buildings use: Club rental facility, Educational/Birthday Party Rooms, Arcade and Gift shop

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

\$600,000.00 (Six Hundred Thousand Dollars)

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.

Request waiver from the Accessibility requirements for 9-Holes of the Miniature Golf facility due to the Elevation of play, restrictions of the site area, and Construction cost.

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

Issue

Request waiver by petitioner Congo River Golf, and Adventure Golf Design & Development before the State of Florida Building Commission in accordance with Chapter 553, 553.512 (1) Florida Statute, and Florida Administration Code R. Ch. 9B-7. Seeking waiver for new construction of 18 Hole Miniature Golf Course facility found in 553.509 Florida Statute, which states vertical accessibility to all levels above and below the occupiable grade level. Application of these requirements to all 18 holes would constitute an unreasonable hardship because of site size limitations and the financial costs of acquiring adequate land.

Vertical accessibility will be provided to allow full inclusion for persons with disability to 9 holes of the miniature golf course. In addition, alternate pin/hole placements (two pin placement per hole) will allow a golfing experience for a total of 18 holes of play.

All other facilities/buildings onsite comply with the accessibility requirements of the Florida Building Code.

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.

Construction unique, course requires extreme gains in elevation, as compared to general type of construction (i.e. Restaurant/Hotels), site size/limitations and cost of acquiring adequate land would not be feasible to create landscape features, unique hole layouts, and water features required to be successful (competitive) in this market.

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

Engineering fees, Land Appraisals, Legal fees, Accounting, and Design fees required to develop properties in this market are required up front and could eliminate our ability to compete and acquire/ (develop) additional properties in this market. Contractual obligations and fees already paid will create a financial stress on our company. Larger property costs required to be in full compliance would not be feasible in this market, and could eliminate our ability to compete with other competitors.

[] 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. _____

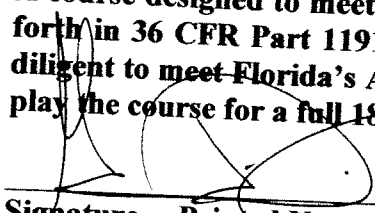
c. _____

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.

In designing many of these facilities of similarity to this miniature golf course, I feel that the owners of Congo River Golf give special attention to every player regardless of their abilities. The developers of these facilities understand that their success lies in the consumer's interest and activity. As a designer, our firm has been asked to develop a course layout that will give a person with disabilities a complete 18 hole course layout in 9-holes. Our strategy is a two-pin placement per hole, as well as create barriers and hazards for creative play. The patron can play the first nine holes twice, using the alternative pin placement and have a completely different second round of play. Additionally, we have used the existing accessibility (allowable slope 12:1) and have created up and down slope play that allows persons with disability a challenge that can be traversed. Most impressive about this developer is the things you don't notice in the holes. This is the cave experience, the waterfalls, the lagoon, and other features that are placed as thematic items that are specifically designed to give every patron an experience of thrill and excitement.

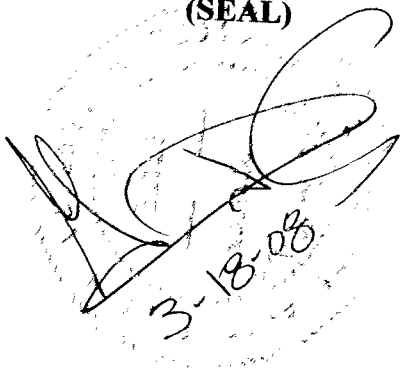
In my professional opinion it would not be feasible or marketable to construct a facility in this market if required to purchase property of size required to design all 18 holes accessible.

A course designed to meet the Architectural and Transportation Barrier Compliance as set forth in 36 CFR Part 1191, RIN 3014-AA16 section 15 should be accepted as Owners due diligent to meet Florida's Accessibility requirements, and 9-holes accessible with a return to play the course for a full 18-hole experience should be accepted.

 Signature Printed Name Glen L. Craig

Phone number (423) 595-1563

(SEAL)

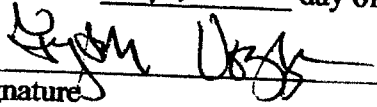


CERTIFICATION OF APPLICANT:

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 17TH day of MARCH, 20 08

Signature



Printed Name

TYSON VOZZA

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.

Developer
Adventure Golf Design
& Development, Inc.

Owned/Developer: Giorgio Vozza
 Corporate Office
 13721 West Bay Shore Drive, Suite A
 Traverse City, Michigan 49684
 231/941-9003 Fax: 231/941-4932



**SOUTHERN GARDEN
 DESIGN**
 I N C .

CONGO RIVER GOLF
SITE PLAN
 24270-24280 TAMAMI TRAIL
 BONITA SPRINGS, FL

DATE: 1-12-08
 DRAWN BY:
 PROJECT NO:
 SCALE: 1"=20'-0"
 SHEET: 1-1

GENERAL NOTES

INTENDED USE OF THIS PROPERTY IS FOR OUTDOOR RECREATION WITH MINIATURE GOLF, ARCADE AND BIRTHDAY PARTY ROOM.
 REQUEST FOR A SPECIAL EXCEPTION TO ALLOW OUTDOOR PERMANENT AMUSEMENT AND RECREATION ACTIVITY.

SITE DATA:

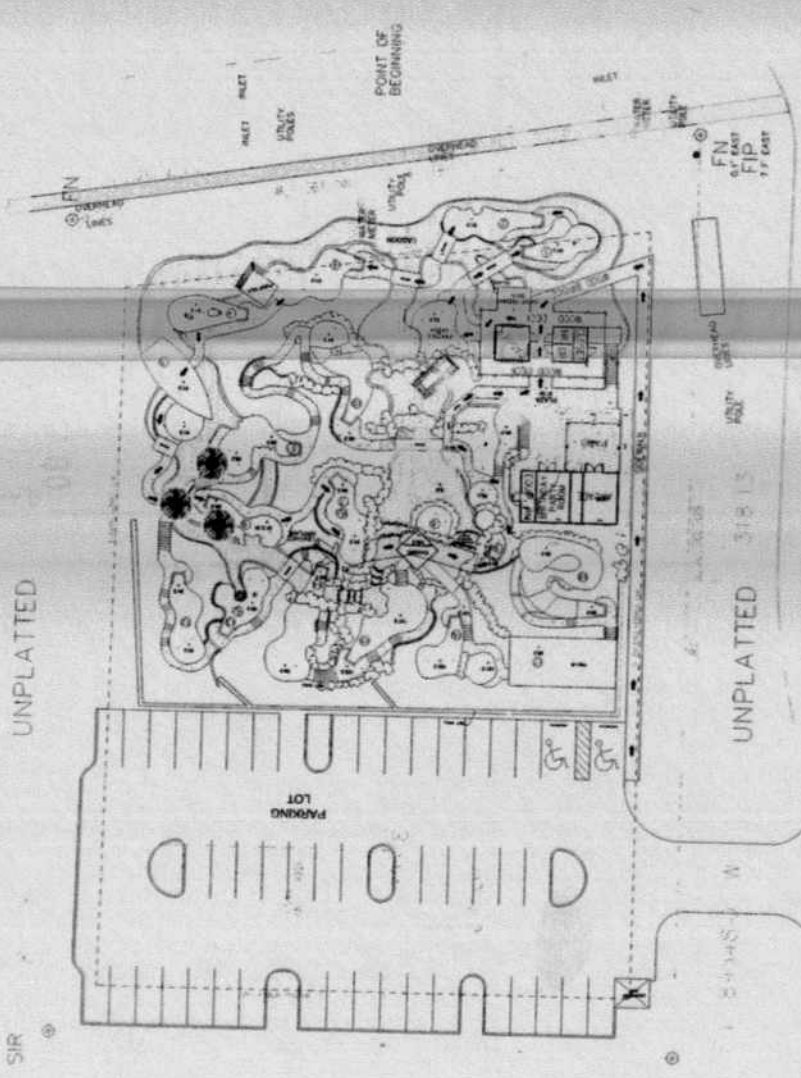
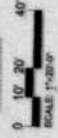
TOTAL SITE AREA: 64,208 SQUARE FEET.
 BUILDING AREA: 10,000 SQUARE FEET.
 BUILDING AREA: 10,000 SQUARE FEET.
 TOTAL SQUARE FEET: 900,500 SQUARE FEET.
 HEIGHT OF BUILDING: 22 FEET FROM GRADE ABOVE GRADE.
 HEIGHT OF MINIATURE GOLF COURSE: 35 FEET ABOVE GRADE.
 PARKING: (2) HANDICAP PARKING SPACES PROVIDED. * (47) 9'x20' PARKING SPACES PROVIDED.
 ALL OTHER FACILITIES/BUILDINGS MUST COMPLY WITH THE ACCESSIBILITY REQUIREMENTS OF THE FLORIDA BUILDING CODE.

LEGEND:

- ➔ DENOTES PATH OF ACCESSIBILITY HOLES #1-9
- ⊙ DENOTES NUMBER OF GREEN



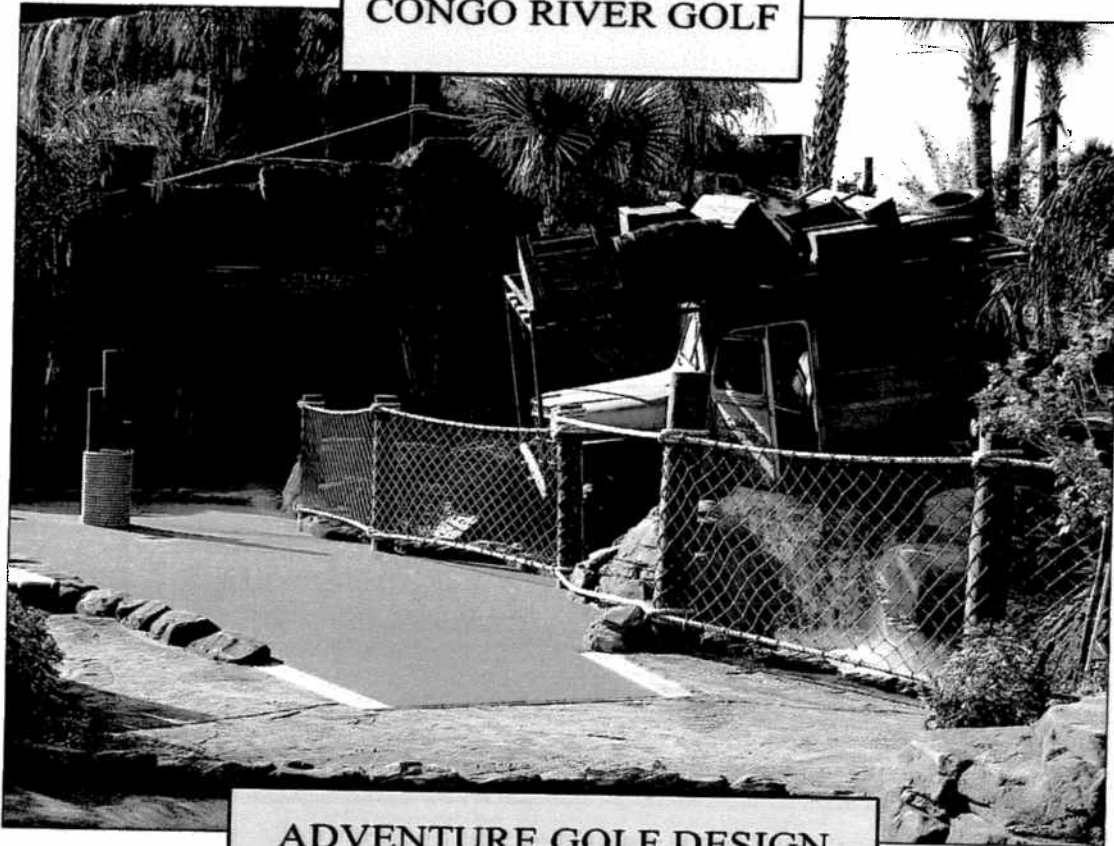
MINIATURE GOLF COURSE



PROPOSED SITE PLAN

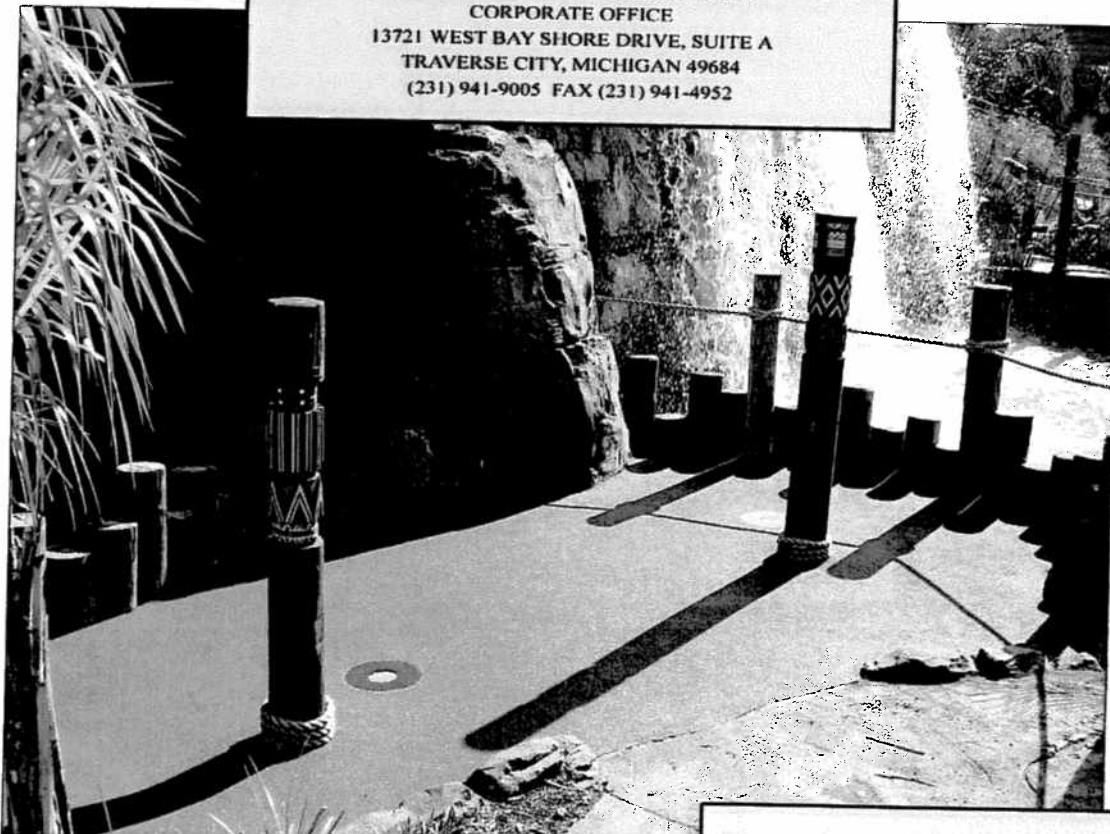
SCALE: 1" = 20'-0"

CONGO RIVER GOLF



ADVENTURE GOLF DESIGN & DEVELOPMENT, INC.

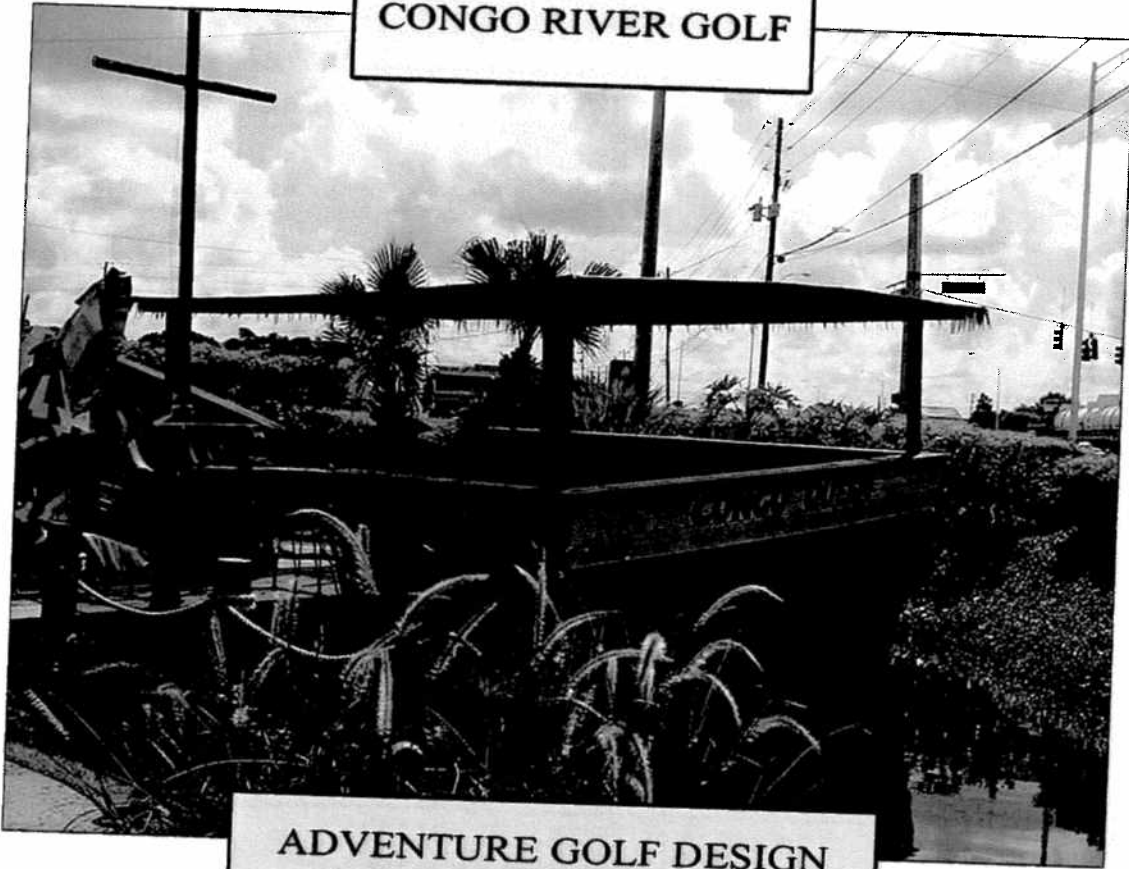
OWNER/DEVELOPER: GIORGIO VOZZA
CORPORATE OFFICE
13721 WEST BAY SHORE DRIVE, SUITE A
TRAVERSE CITY, MICHIGAN 49684
(231) 941-9005 FAX (231) 941-4952



ACCESSIBLE MEANS OF INGRESS/EGRESS

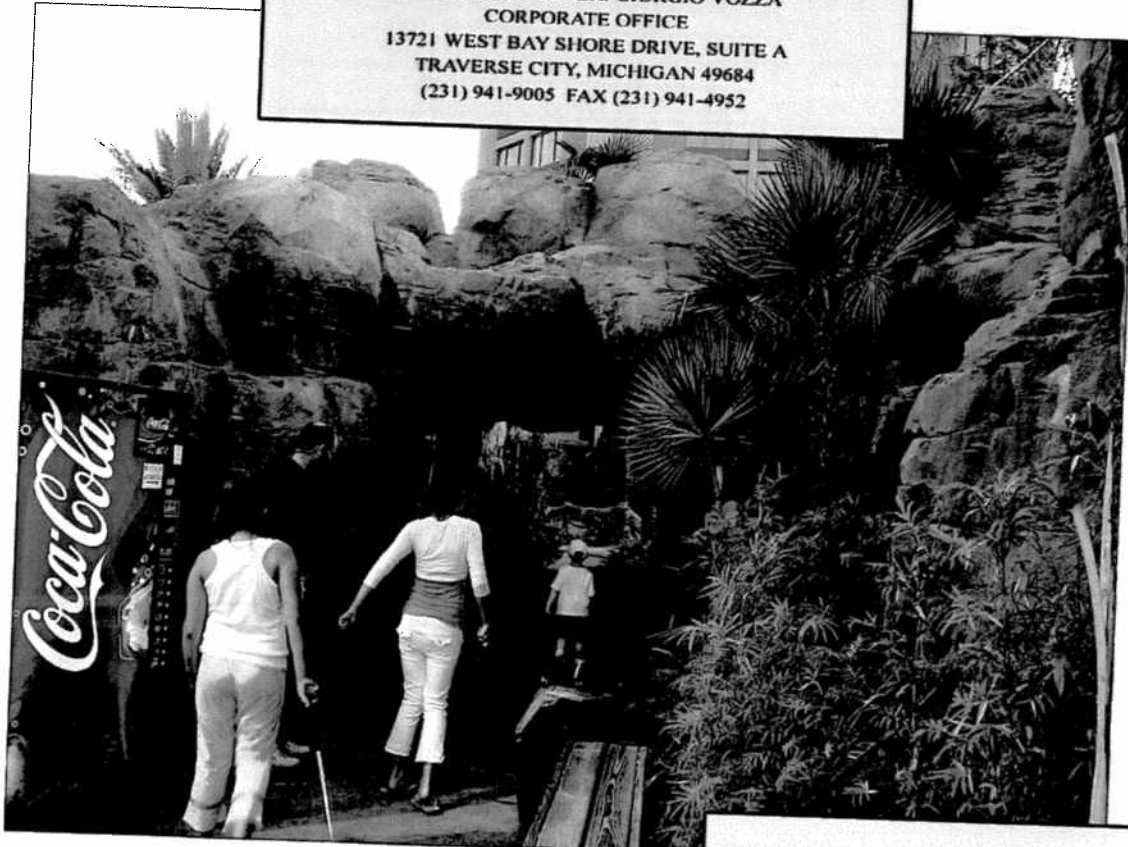
SOUTHERN GARDEN DESIGN, INC.
413 SPEARS AVE. CHATTANOOGA, TN 37405
(423)595-1563 FAX (866)855-1065
FLORIDA LICENSE # LA0001443

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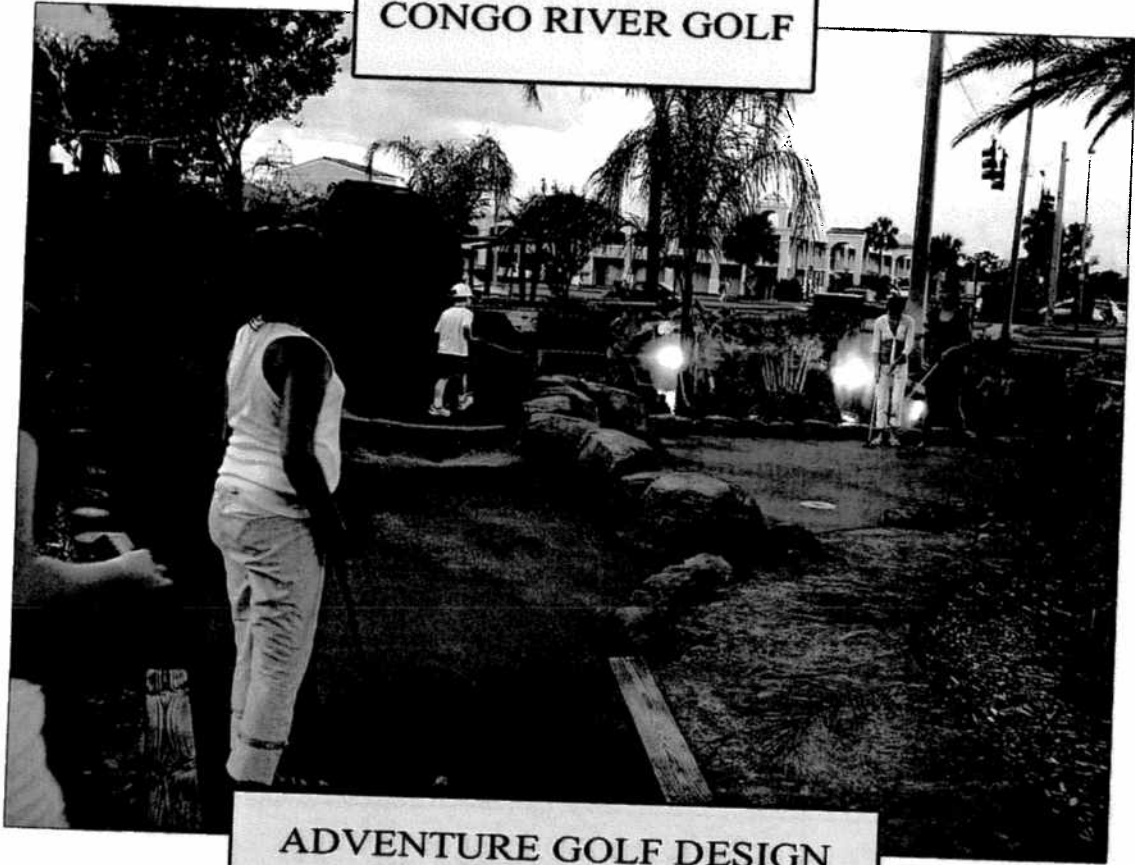


ACCESSIBLE FEATURES

SOUTHERN GARDEN DESIGN, INC.

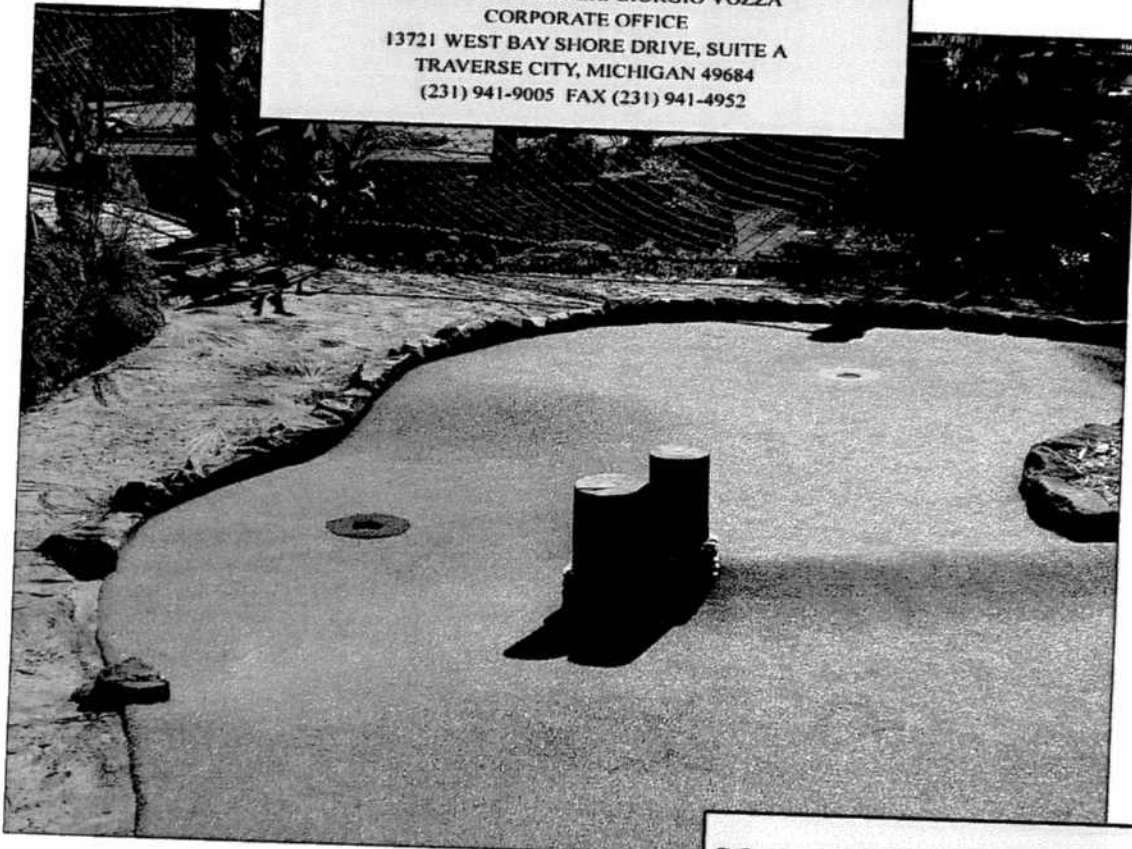
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**TWO HOLES PER GREEN
WITH BARRIERS**

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