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: Vizcaya Village Phase II Restoration - East and West Gate Lodge Buildings

Address: 3251 South Miami Avenue and 50 S. W. 32nd Road, Miami, Florida 33129

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: Dr. Joel M. Hoffman, Executive Director

Vizcaya Museum & Gardens Trust / Miami-Dade County, Florida

Applicant's Address: 3251 South Miami Avenue, Miami, FL 33129

Applicant's Telephone: (305) 860-8422    FAX: (305) 285-2004

Applicant’s E-mail Address: joel.hoffman@vizcayamuseum.com

Relationship to Owner: The East and West Gate Lodge Buildings, the subject buildings of this waiver request, are owned by Miami-Dade County, Florida.

Owner's Name: Dr. Joel M. Hoffman, Executive Director

Owner's Address: 3251 South Miami Avenue, Miami, FL 33129

Owner's Telephone: (305) 860-8422    FAX: (305) 285-2005

Owner’s E-mail Address: joel.hoffman@vizcayamuseum.com

Signature of Owner: [Signature]

Contact Person: Dr. Joel M. Hoffman, Executive Director

Contact Person’s Telephone: (305) 860-8422

E-mail Address: joel.hoffman@vizcayamuseum.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).

[X ] 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 East Gate Lodge:* 2-story office use structure with a partial 3rd story. Total building area equals 2,305 square feet.

*Existing West Gate Lodge:* 2-story office use structure with a partial 3rd story. Total building area equals 5,891 square feet.

The rehabilitation of the 8,196 square foot facilities includes ADA accessibility improvements, structural repairs to basements and crawl spaces, and abatement of mold, asbestos and lead-based paints.

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

   - Alteration/Restoration Existing East Gate Lodge: $1,217,085.00  
   - Alteration/Restoration Existing West Gate Lodge: $3,038,342.00

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*  

[X] In Plan Review [ ] Completed*

* Briefly explain why the request has now been referred to the Commission.

The historic restoration of the East & West Gate Lodge buildings will include the adaptive reuse of original spaces, and limited ADA accessibility. Our reasons for proposing to provide only limited accessibility are outlined below.

Originally designed and built to function as residential adjunct facilities to the main house at Vizcaya, the East and West Gate Lodge buildings do not include consideration for accessibility by physically disabled persons. The varying elevated levels of the entry loggias, main rooms of the ground floor, and rooms of the upper floors of both buildings, have created architectural barriers that to apply code compliant mitigation solutions would threaten or destroy the buildings’ historic significance.

As the renovation plans indicate, we are proposing to use the alternative requirements of *Florida Building Code Section 11-4.1.7(3) – Historic Preservation: Minimum Requirements.* In order to invoke
this section of the Code, the State Historic Preservation Officer must agree that compliance with the accessibility requirements for accessible routes (exterior and interior), ramps, entrances or toilets, including vertical accessibility to the second and third floors, would threaten or destroy the historical significance of the buildings.

By applying the alternative requirements in Section 11-4.1.7(3), we have been able to achieve full accessibility to a limited number of public areas, including restrooms in both buildings, with minimal impact to the historical significance of the buildings.

The enclosed letter from the State Historic Preservation Officer grants relief in accordance with the requirements of Chapter 533, Part V, Florida Statutes.

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

Issue

1. FBC 11-4.1.6(f): “Vertical accessibility shall be provided to all levels above and below the occupiable grade level, regardless of whether the code requires 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. However, as provided in Section 553.509, Florida Statutes, buildings, structures, and facilities must, at a minimum, comply with the requirements of ADAAG. Therefore, facilities subject to the ADA may be required to provide vertical access to areas otherwise exempt under Section 11-4.1.3(5)(3) of the 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.

[X] The hardship is caused by a condition or set of conditions affecting the owner which does not affect owners in general.

The construction necessary to provide vertical accessibility to the second and third floors will threaten or destroy the primary elevations, small room spatial configurations and/or finishes and features all considered character-defining features of the East and West Gate Lodges.

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.

The waiver is necessary in order to preserve and protect the historic significance of both the East and West Gate Lodge structures and be in keeping with the Secretary of the Interior’s Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, wherein
repairs and alterations must not damage or destroy materials, features or finishes that are important in defining the buildings' historic character.

Sections of the rehabilitation guidance address work done to meet health and safety code requirements, for example, providing barrier-free access to historic buildings. Although this work is quite often an important aspect of rehabilitation projects, it is usually not part of the overall process of protecting or repairing character-defining features; rather, such work is assessed for its potential negative impact on the buildings' historic character. For this reason, particular care must be taken not to radically change, obscure, damage, or destroy character-defining materials or features in the process of rehabilitation work to meet code requirements.

Approval of the waiver will help to reinforce the Secretary of the Interior's responsibility under State and local official's authority for advising on the preservation of historic properties listed in the National Register of Historic Places.

Signature

Richard J. Heisenbottle, FAIA

Printed Name

Phone number: (305) 446-7799 x14

(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 13th day of February, 2008

Signature

Dr. Joel M. Hoffman, Executive Director
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.
REVIEW AND RECOMMENDATION BY LOCAL BUILDING DEPARTMENT.

Please state why the issue is being referred to the Florida Building Commission as well as a recommendation for disposition. The Building Official or his or her designee should review the application and indicate that to the best of his or her knowledge, all information stipulated herein is true and accurate. Further, if this project is complete, explain why it is being referred to the Commission. The Building Official or his or her designee should sign a copy of the plans accompanying this application as certification that such plans are the same as those submitted for building department review. Please reference the applicable section of the Accessibility Code.

a. Accessible Building Alteration 11.4.1.6

b. Technical Impasse Historical Building

c. 11.4.1.7 (B) Historic Preservation

Has there been any permitted construction activity on this building during the past three years? If so, what was the cost of construction?

[ ] Yes [ ] No Cost of Construction

Comments/Recommendation

Jurisdiction City of Miami

Building Official or Designee Signature

Jose L. Ferras

Printed Name

Certification Number

305-416-1107, 305-416-1000 FAX

Telephone/FAX

Address: 444 SW 2nd Avenue

Miami, Florida 33130
April 21, 2006

Richard J. Heisenbottle, FAIA
R. J. Heisenbottle Architects, PA
340 Minorca Avenue
Coral Gables, Florida 33134

RE: East and West Gate Lodges, Vizcaya Farm Village, South Miami Avenue, Miami, Florida

Dear Mr. Heisenbottle:

At your request we reviewed the listed properties pursuant to the procedures set forth in 4.1.7 (2) (b) of Appendix A to 28 CFR Part 36, Americans with Disabilities Act Accessibility Guidelines (ADAAG) and equivalent procedures implementing Sections 553.501-553.513, Florida Statutes. This review is based on information provided in drawings, photographs and letter you submitted to this office dated March 27, 2006 and received April 11, 2006.

It is the opinion of this office that compliance with ADAAG 4.1.6 Accessible Buildings: Alterations and the technical provisions of ADAAG including those for routes, entrances, or toilets will threaten or destroy the historic significance of East and West Gate Lodges, qualified historic properties, and that ADAAG 4.1.7 (3) Historic Preservation Minimum Requirements may be used.

We concur with your assessment the construction necessary to provide vertical accessibility to the second and third floors will threaten or destroy the primary elevations, small room spatial configurations and/or finishes and features all considered character-defining features of East and West Gate Lodges.

It is our understanding that to mitigate lack of accessibility to the second and third floor accessible entrances and restrooms will be provided on the first floors of both buildings. It is our opinion that the proposed work will not threaten or destroy the historic significance either the East or West Gate Lodge.
Please direct questions concerning this review to Phillip Wisley, staff architect, at (850) 245-6333.

Sincerely,

David Ferro, RA
Deputy State Historic Preservation Officer
For Architectural Preservation Services
DF/pw
March 3, 2008

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

Attn: Mary Kathryn Smith  
VIA FEDEX

RE: REQUEST FOR WAIVER FROM ACCESSIBILITY REQUIREMENTS  
Vizcaya Village Phase II Restoration  
East & West Gate Lodge Buildings  
3251 South Miami Avenue & 50 S.W. 32nd Road  
Miami, FL 33129  
RJHA Project No. 06-3252

Dear Ms. Smith,

Attached is a Request for Waiver from Accessibility Requirements of Chapter 533, Part V, Florida Statutes, including attachments. Please advise when this item will be before the Building Commission so that the Owner may attend the meeting in support of the request.

Enclosed items are:

1. One (1) completed and signed, Request for Waiver from Accessibility Requirements of Chapter 533, Part V, Florida Statutes.
2. One (1) set of 24” x 36” drawings (Sheets Cover Sheet, A1.01, WA1.01, WA1.02, WA2.05, WA2.06, WA2.07, WA2.08, EA1.01 & EA2.02).
3. One (1) set of 11” x 17” drawings (Sheets Cover Sheet, A1.01, WA1.01, WA1.02, WA2.05, WA2.06, WA2.07, WA2.08, EA1.01 & EA2.02).
4. One CD with application and drawings in PDF format.

Should there be any questions or comments prior to the Building Commission Meeting please give me a call at (305) 446-7799 x 23.

Thank you for your cooperation in this matter.

Sincerely,

R. J. HEISENBOTTLE ARCHITECTS, P.A.

Arnold N. Zwiobel, AIA  
Senior Project Manager

Enclosures

cc: Dr. Joel M. Hoffman, Vizcaya Museum & Gardens Trust  
Mr. Joe Ferras, C.B.O., City of Miami Building Department  
Mr. David Ferro, R.A., Florida Department of State  
Mr. Richard Heisenbottle, FAIA, R.J. Heisenbottle Architects, P.A.