

JADAM

Issue: Vertical accessibility to the second floor.

Analysis: The applicant is requesting a waiver from providing vertical accessibility to the second floor of a building being converted from industrial use to an office/mixed-use commercial facility. According to the applicant, the structure is 40 years old and other than providing a secondary means of egress costing \$20,000 and minor maintenance and repair work, no changes have been made since it was built. There are five business areas (offices) on the second floor, and the applicant stipulated no more than five persons would occupy the space. No estimates for providing vertical accessibility were submitted, but it does not appear that this would be feasible for \$4,000. Note: Toilet facilities on the second floor do not appear to be accessible.

Project Progress:

The project is complete.

Items to be Waived:

Vertical accessibility to the second floor, 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.

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

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Your application will be reviewed by the Accessibility Advisory Council and its recommendations will be presented to the 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.

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1. Name and address of project for which the waiver is requested.

Name: JADAM

Address: 282 NW 36th street Miami FL 33127.

Telephone 305 573 4949 FAX 305 573 4949

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: JACKLYN BOISSEAU

Applicant's Address: 282 NW 36th street Miami FL 33127

Applicant's Telephone: 305 573 4949 FAX 305 573 4949

Relationship to Owner: _____

Owner's Name JADAM

Owner's Address: 282 NW 36th street Miami FL 33127

Owner's Telephone: 305 573 4949 FAX Same

Signature of Owner: [Signature]

Contact Person: Jacklyn B.

Form No. 1997-03

up to

20% increase → to improve of building

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. Define the occupant or proposed occupant and how it serves the public. If the building is existing and undergoing a change of use, please specify the previous usage.

The previous use was 0036 heavy industry.
 The new use is 0029 mixed use
 Commercial.

Previous Use 0036 heavy industry

5. Project Construction Cost \$10,000

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.

Minor partition work required a permit and hence a requirement to meet accessibility requirements.

7. **Requirements requested to be waived.** Please reference the applicable section of the Florida law. For example, Section 553.509 FS, governs the requirements for vertical accessibility.

Issue

1: Requirement for Elevator. 553.509 FS

Issue

2: _____

Issue

3: _____

8. **Reason(s) for Waiver Request:** Please describe how this project meets the following criteria. Explain all that would apply for consideration of granting the waiver.

The hardship exists primarily as a result of the statute.

This a small building where minor work is being done. The elevator would put us far over the 20%

Unique circumstances and not general conditions, cause the hardship. threshold.

The hardship is based on an actual or proposed situation as presented by the design documents. Provide a detailed cost estimate and, where appropriate, photographs. Cost estimates must include bids and quotes.

[] Substantial financial loss and/or investment, if any, will result if the waiver request is denied.

[] A good faith effort has been made to comply with the statute as evidenced by submittal of documented proof of all feasible technical alternatives.

9. Provide documented cost estimates for each portion of the waiver request. For example, for vertical accessibility, the lowest documented cost of an elevator, ramp, lift or other method of providing vertical accessibility should be given, documented by quotations or bids from at least two vendors.

a. total work is only \$10,000. Elevator would be much more than \$2,000 (20% threshold.)

b. _____

c. _____

10. **Licensed Design Professional:** Where a 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.

We are doing minor work on a small building with very few occupants. An elevator would be a major hardship and is entirely out of scale with activities.

Signature

Printed Name Scott Weinkle Archite

(SEAL)

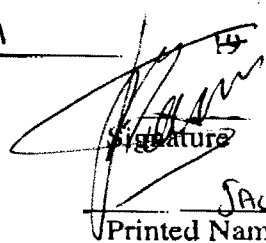
Phone Number 786.546.5046



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 be the best of my knowledge true and correct.

Dated this 14 day of March 2008


Signature
JACKLYN BAISSÉAU
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 § 775.083, Florida Statutes.

Jadam LLC

282 NW36th Street Miami FL 33127
p/f 305 573 4949

Folio 01-3125-040-0060

Address 282 NW36 street miami 33127

Year built 1968

Former owner and builder: -Mr Reully for Miami Awning - Awning factory sold 2000
- Dien-B, inc non for profit 501(c)3 for the promotion of art, sold 2006

Actual owner - Jadam llc

Primary zoning : 6600 commercial / liberal

CUO 3-retail

CLUC (county land use code): 0036 Industrial and lumber occupancy

Certificate of use: every year until 2008

Dear Sirs,

I am president of Jadam LLC and owner of a warehouse located at 282 NW 36th Street in Miami, FL 33127. We are in the middle of the "the change of use" process, converting this warehouse from an awning factory to a small business/offices use. The City of Miami Inspector of Buildings requires a waiver from the accessibility requirement for an elevator.

- This is an existing 2 story building with a mezzanine for storage. Each floor has 2,400 Sq. ft. and the 2nd floor is limited to 5 occupants maximum.
- This building obtained all the certificate of use since 1968.
- This is a 40 years old building which has had no renovation, no transformation, and no alteration. It just needs some minor repairs, patch, cleaning and painting.
- In 2006/2007 the following work has been done with permit: electrical meter and an emergency outside stairs, ~~and~~ as asked by the Fire Department as a second exit, for an amount of \$20,000.
- The ground floor is totally accessible for people with disabilities, ensuring equal access to all public goods and services. It is in ADA compliance.
- The second floor is private, just 5 small business area for a maximum of 5 person

Considering the small square footage, the small occupancy, the small alteration and in reference of 36404 (a) and 36403(f) of the ADA code, (The 20% threshold statute) we are submitting this waiver from accessibility requirements for an elevator, as it would be far greater than 20% of the minor work required.

We hope you have all the information to consider this request. Hoping a prompt answer

Best regards,
Jacklyn Boisseau

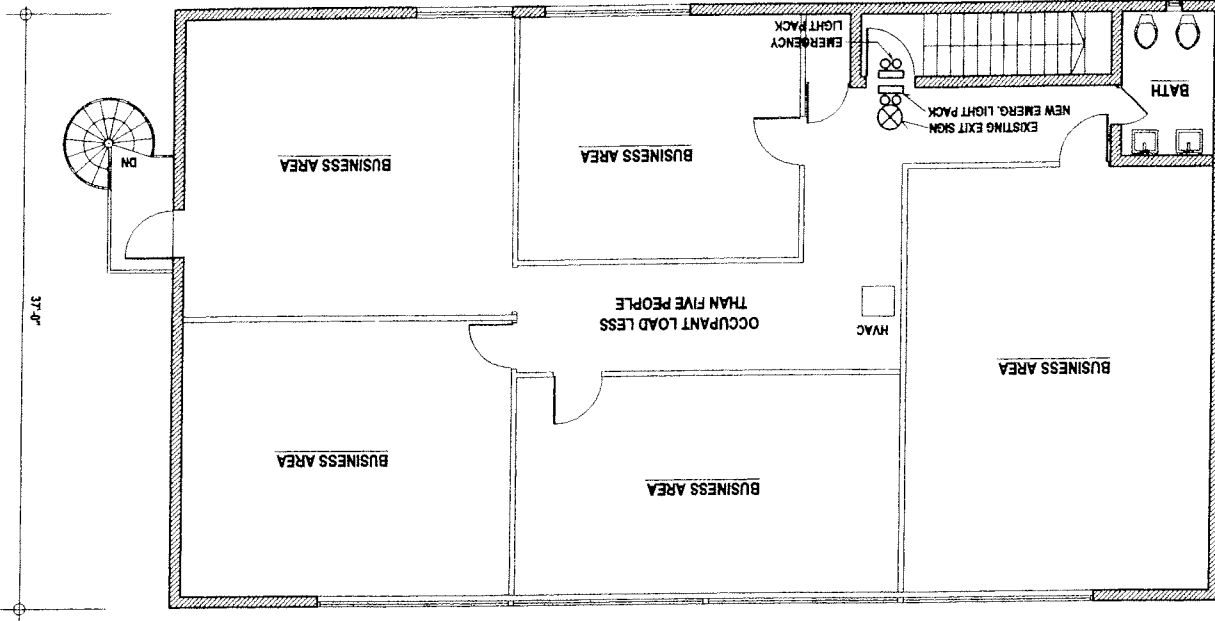


OWNER NAME: JADAM LLC
 CONTRACTOR:

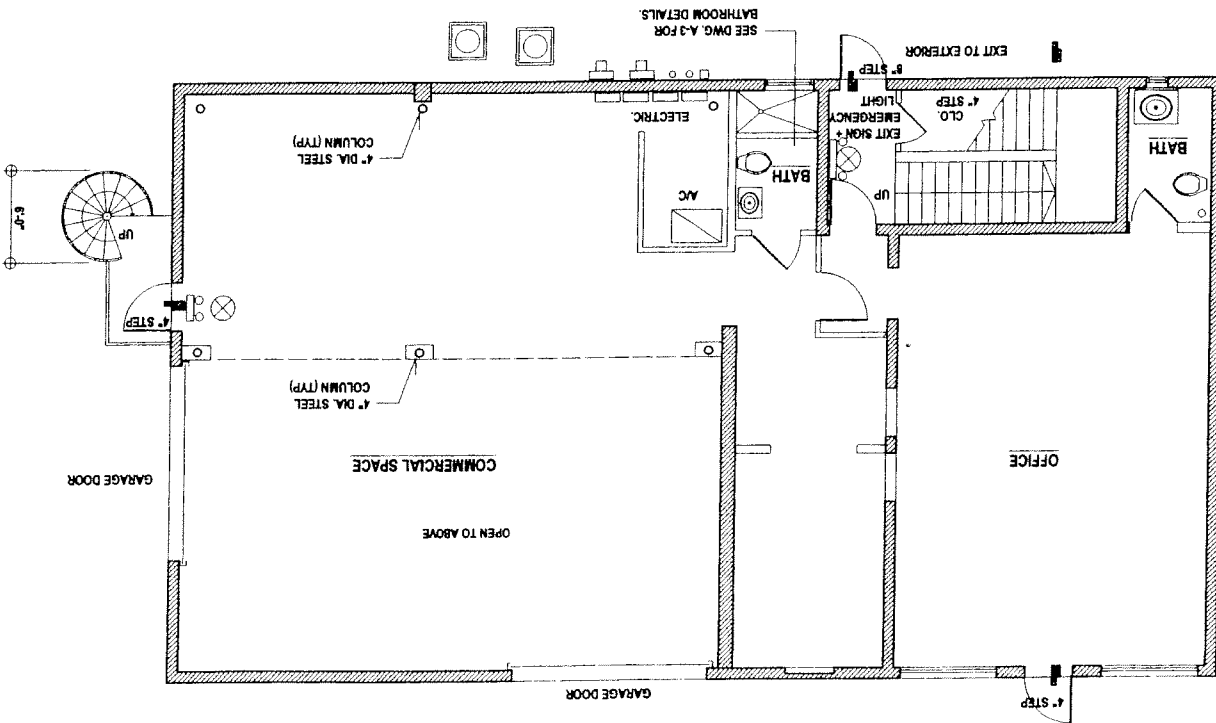
PROPERTY ADDRESS: 282 NW 36 ST
 CONTR. BUS. NAME:
 PURPOSE: CHANGE OF USE AND REMODELING ON INTERIOR

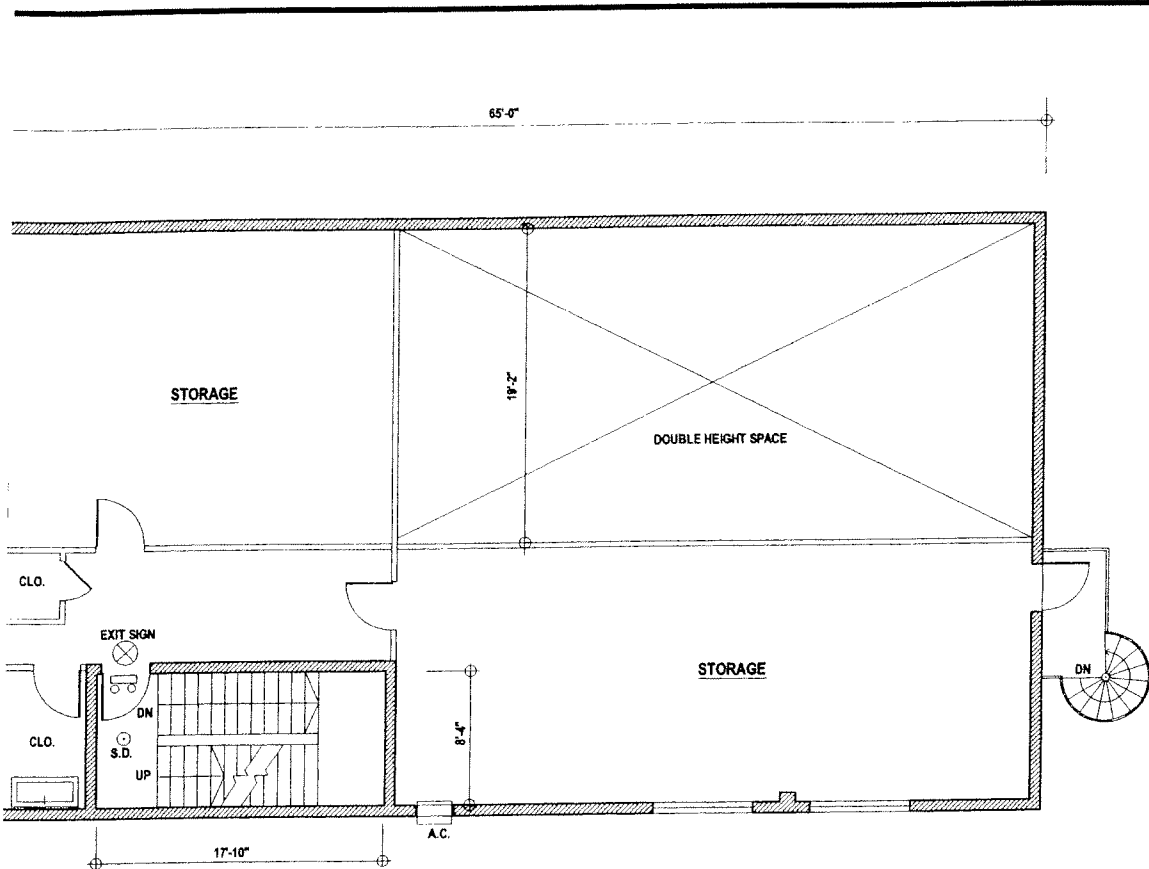
PLAN PAGE	ITEM NO.	DESCRIPTION	APPRV Y/N/U	REVIEWER	CODE SECTION	REMARK
0001	41893	Impact Fee	N	RC2	M-D County	CHANGE OF OCCUP ????
0001	41900	Reviewer signature on	N	RC2	FBC 106.3.1	
0001	41908	Missing or wrong refer.	N	RC2	FBC 106.1.1	REFER TO 11-4.1.6.
0001	42144	Employee work area	N	RC2	FBC 11-4.1.1(3)	
0001	42153	Elevator exceptions	N	RC2	FBC 11-4.1.3(5)	REQ ACCSS ALL LEVEL OR STATE WAIVER
0001	42167	Doors	N	RC2	FBC 11-4.1.6(3) (d)	1/2 " MAX THRESHOLD
0001	42168	Toilet rooms	N	RC2	FBC 11-4.1.6(3) (e)	REQ H/C ACCSS
TOTAL CHECKLIST ITEMS						7

SECOND FLOOR

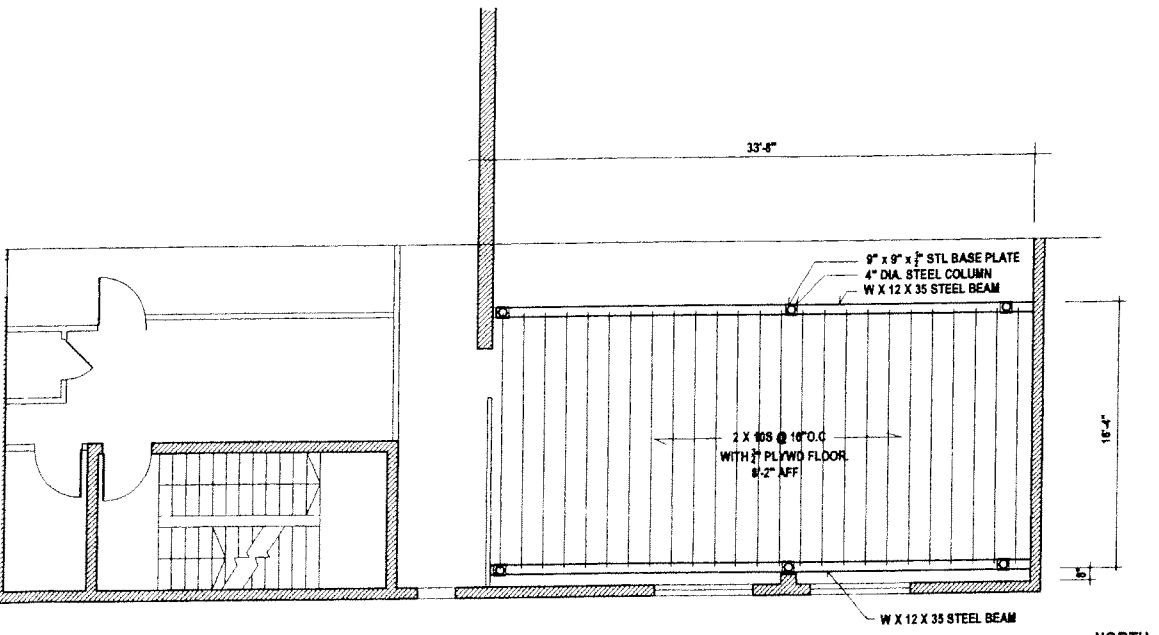


FIRST FLOOR





MEZZANINE



MEZZANINE STRUCTURAL FRAMING PLAN



[Handwritten signature]

282 NW 36th ST.
MIAMI, FL 33127

SCOTT WEINKLE ARCHITECT
11 ISLAND AVENUE - SUITE 2000
MIAMI BEACH, FL 33139
TEL: 305-531-6955
FAX: 305-695-4455

Title: ARCHITECTURAL SURVEY
Date: MARCH 17, 2008
Note:
Scale: 1/8" = 1'-0"
Sheet Number:

A-1