Department of Business and Professional Regulation
FLORIDA BUILDING COMMISSION
1940 North Monroe Street
Tallahassee, Florida 32399-0772
Form FBC 2012-01
Request for Waiver

NOTICE TO WAIVER APPLICANTS

Please make certain you comply with the following:

- The person submitting the waiver request application as the Applicant MUST sign the application. Should you fail to do so, your application will be returned.

- If a licensed design professional (architect or engineer) has designed the project, his or her comments MUST be included as a part of this application.

- Be as explicit as possible. The more information provided to the Florida Building Commission, the more informed its decisions can be. If you are claiming financial hardship, please specify why and to what degree. Two estimates substantiating a claim for disproportionate cost must be included.

- Petitioners are strongly advised to participate in the Council’s conference call, webinar or onsite meeting for application review. Sometimes pertinent facts are inadvertently omitted, or information provided/presented in the Request for Waiver application is not clear. Your participation in the meetings to answer questions will enhance the possibility of the waiver being approved, since the Council and the Commission will receive the most complete information – from you. When we receive the completed application, we will send you a notice of the time, date, and place for both the Council and the Commission meetings.

Enclosed is a List of Required Information and the Request for Waiver application.

If you have any questions or would like additional information, please call the Codes and Standards Section at (850) 487-1824.

Please mail this application to the Department of Business and Professional Regulation at the address above. Include a copy of the application, photos where appropriate and drawings or plans on a CD in PDF format. NOTE: Please do not send files in CAD format.
but rather provide the files in pdf format.

This application is available in alternate formats upon request.

LIST OF REQUIRED INFORMATION:

1. ☑ Drawings that will clearly present your project and that identify the issue(s) that relate to the waiver you are requesting. As a minimum, the following drawings must be submitted:
   a. Project site plan if pertinent to the application
   b. 24" x 36" minimum size drawings
   c. Building/project sections (if necessary to assist in understanding the waiver request)
   d. Enlarged floor plan(s) of the area in question

2. ______ When substantial financial cost of compliance is alleged, supporting cost estimates with quotes from at least two vendors or contractors and catalog information.

3. ______ If you feel photographs and/or renderings are necessary for your presentation, provide legible color copies of the photographs and/or renderings on the CD with the application and plans in jpeg, tif or pdf format.

4. ☑ Please submit one hard copy of this application and attachments to the Florida Building Commission, Department of Business and Professional Regulation.

General Information:

a. Verbal Descriptions: Presentations may be to sight or hearing impaired persons; visual presentations should consider adequate verbal and text descriptions of charts and pictures.

Your application will be reviewed by the Accessibility Advisory Council. You will have the opportunity to answer questions and/or make a short presentation not to exceed 15 minutes. The Council will provide recommendations to the Florida Building Commission. The Commission will review the application where you will have another opportunity to answer questions and/or give a short presentation not to exceed 15 minutes. The Commission will consider all information and the Council’s recommendation before voting on the waiver.

This application is available in alternate formats upon request.

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Rule 61G20-4.001 effective 4/25/2013
REQUEST FOR WAIVER FROM ACCESSIBILITY REQUIREMENTS
OF CHAPTER 553, PART II, 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: ZED Holdings Warehouse

Address: 3564 Plover Ave

Naples, FL 34117

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: Stephen Bender

Applicant's Address: 3775 7th Ave N.W. Naples, FL 34120

Applicant's Telephone: 239-580-9794 FAX: 239-455-2483

Applicant’s E-mail Address: sbender@benderconstruction.com

Relationship to Owner: Same

Owner's/Tenant’s Name: Stephen Bender

Owner's Address: 3775 7th Ave N.W. Naples, FL 34120

Owner's Telephone: 239-580-9794 FAX 239-455-2483

Owner’s E-mail Address: sbender@benderconstruction.com

Signature of Owner: [Signature]

3. Please check one of the following:

☑ New construction.

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effective 4/25/2013
[ ] 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.)

21,600 SF total, combination warehouse/storage, mercantile, office and manufacturing space. 15,000 SF warehouse/storage, 900 SF mercantile, 4200 SF office and 1200 SF manufacturing. Warehouse, mercantile, and manufacturing are all on the 2nd floor. Office space is split 2500 SF downstairs and 1700 SF upstairs.

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

$1,100,000

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*

[X] In Plan Review [ ] Completed*

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

There are 4 offices upstairs to be occupied by 4 persons. All facilities provided upstairs are provided by an accessible route downstairs. There are no requirements for vertical accessibility as required to be waived.

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

**Issue**

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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.

*We believe this project is exempt from the Vertical Accessibility requirement because we meet the exception set forth in 201.1.1 (3) The space is not open to the public and it is only occupied by 4 persons.*

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

[ ] 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. We have not received estimates for Vertical Accessibility because we believe we are exempt per 201.1.1 (3).

b. ___________________________________________________________________

c. ___________________________________________________________________

10. Licensed Design Professional: Where a licensed design 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 BECAUSE, PER 2012 PL ACC, CODE, 201.1.1 (EXCEPTION 3), THE 2ND FLOOR IS NOT OPEN TO THE PUBLIC AND WILL ONLY HOUSE 4 PEOPLE.

Signature _____________________________________________________________________________
Printed Name ___________________________________________________________________________
Phone number __________________________________________________________________________
(SEAL)

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CERTIFICATION OF APPLICANT:

I hereby declare 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 30 day of April, 2014

Signature

Stephen M. Bender

Printed Name

I understand that if I falsify, misrepresent, or omit any material information on this document, the Commission may revoke any order and will notify the building official of the permitting jurisdiction.

KNOWINGLY MAKING A FALSE STATEMENT IN WRITING WITH THE INTENT TO MISLEAD A PUBLIC SERVANT IN THE PERFORMANCE OF HIS OFFICIAL DUTY IS A MISDEMEANOR OF THE SECOND DEGREE PURSUANT TO SECTION 837.06 F.S. AND SECTION 775.083, F.S.