

STATE OF FLORIDA
BUILDING COMMISSION

FILED	
<small>Department of Business and Professional Regulation</small>	
<small>Deputy Agency Clerk</small>	
CLERK	Brandon Nichols
Date	6/18/2014
File #	2014-04569

In the Matter of
STARK BUILDING
202-204 Centre Street
Fernandina Beach, Florida 32034:

Stark Building, LLC,
Petitioner.

FINAL ORDER

VW 2014-208

The Application for Waiver by Petitioner, Stark Building, LLC, came for consideration before the State of Florida Building Commission (Commission) in accordance with Section 553.512(1), Florida Statutes, and Chapter 61G20-4, Florida Administrative Code,¹ at the meeting of the Commission on April 17, 2014, upon the recommendation of the Accessibility Advisory Council (Council). At that meeting, the Commission made the following findings of fact:

1. The Owner is Stark Building, LLC, P.O. Box 16987, Fernandina Beach, Florida 32035 (Petitioner).
2. The Applicant is Jose Miranda of Miranda Architects, 914 Atlantic Avenue, Suite 1E, Fernandina Beach, Florida 32034 (Applicant).
3. The Applicant telephonically appeared before the Council on April 7, 2014.
4. The project for which the Applicant is seeking a waiver is a renovation to a two story retail and office building built circa 1882. The project includes changes to make the building more accessible such as renovation of a second floor bathroom to make it accessible, widening existing door openings and floor leveling. Installing an elevator or LULA would

¹ Unless otherwise indicated, all citations to Florida statutes refer to the 2013 codification of *Florida Statutes*, and all citations to Florida administrative rules refer to the latest version of the final adopted rule presented in *Florida Administrative Code*.

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change the historic nature of the building. The total project cost is \$174,000 and estimates were submitted for \$67,260 for a LULA and \$37,560 for a lift. The project is currently in plan review.

5. The requirements from which the Applicant seeks a waiver are those in the Florida Americans with Disabilities Accessibility Implementation Act ("the Act"), Section 553.509, Florida Statutes, which require the Petitioner to provide vertical accessibility to all levels above and below the occupiable grade level of a building, structure, or facility. Specifically, Applicant is requesting a waiver from providing vertical access to the second floor of the building.

6. Section 553.512(1), Florida Statutes provides for a waiver of the accessibility requirements set forth in Section 553.509, Florida Statutes upon a determination of "unnecessary, unreasonable, or extreme hardship."

7. Based upon the Council's consideration of the foregoing information, the Applicant's representations regarding project design, cost, construction, and all applicable legal requirements, the Council recommended that the waiver be Granted, based on unreasonable hardship and the historic nature of the building.

Having considered the foregoing information, together with the recommendation of the Council, the Applicant's representations to the Council, and all applicable legal requirements, the Commission hereby concludes that the Applicant's request for waiver should be, and hereby is, GRANTED.

This Final Order is intended for the enforcement of the Florida Americans with Disabilities Accessibility Implementation Act, as amended, Section 553.501 et seq., Florida Statutes, and, other than as modified by this Final Order, any construction or post-construction

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activities which deviate from the requirements of that Act will be deemed to be a violation of this Final Order.

Responsibility for the enforcement of this Final Order and for enforcement of the Americans with Disabilities Accessibility Implementation Act shall rest with the Building Official of the local government with permitted authority for the project. §553.513, Florida Statutes. Nothing in this Final Order shall be construed to relieve the Owner of any duties it may have under the Americans With Disabilities Act of 1990, Pub. L. No. 101-336, § 42 U.S.C. 12101 et seq., or other applicable regulations. Any waiver granted in this Final Order shall expire one (1) year from the date of the Order unless the construction has commenced within that time.

DONE AND ORDERED this 13th day of June, 2014 in Jacksonville, Duval County, State of Florida.


RICHARD S. BROWDY
Chairman, Florida Building Commission

NOTICE OF RIGHT TO APPEAL

Petitioner and any substantially affected parties are hereby advised of their right to seek judicial review of this Order in accordance with Section 120.68(2)(a), Florida Statutes, and Florida Rules of Appellate Procedure 9.110(a) and 9.030(b)(1)(C). To initiate an appeal, a Notice of Appeal must be filed with Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1000 and with the appropriate District Court of Appeal not later than thirty (30) days after this Order is filed with the Clerk of the Department of Business and Professional Regulation. A Notice of Appeal filed

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with the District Court of Appeal shall be accompanied by the filing fee specified by Section 35.22(3), Florida Statutes.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing order has been filed with the undersigned and furnished to the persons listed below this 18th day of June, 2014.



Agency Clerk's Office
Department of Business and Professional
Regulation & Florida Building Commission
1940 North Monroe Street
Tallahassee, Florida 32399-1000

By U.S. Mail:

Jose Miranda
914 Atlantic Avenue, Suite 1E
Fernandina Beach, Florida 32034

Stark Building, LLC
P.O. Box 16987
Fernandina Beach, Florida 32035

Donald Kukla, Building Official
City of Fernandina Beach
204 Ash Street
Fernandina Beach, Florida 32034

By Electronic Mail:

Jack Humburg, M.A., C.R.C.
Chairman, Accessibility Advisory Council
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