

This application is available in alternate formats upon request.

**LIST OF REQUIRED INFORMATION:**

1.   X   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
  - 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.   X   One set of reduced scale (11" x 17") versions of the drawings submitted in item one above.
3.   X   One set of overhead transparencies (8 ½" x 11") of the drawings submitted in item one above. When numerous features are shown on the drawings, please designate the location of the waiver items by highlighting or outlining in color the affected areas.
4.   X   When substantial financial cost of compliance is alleged, supporting cost estimates with quotes from at least two vendors or contractors and catalog information.
5.   N/A   If you feel photographs and/or renderings are necessary for your presentation, provide 40 legible color photocopies of the photographs and/or renderings. If color photocopies of photographs are provided, use a minimum size of 4" x 6" photographs with a maximum of two photographs per photocopied page.
6.   X   Please submit a hard copy of this application to the Department of Community Affairs. PLEASE NOTE: Although not required by Rule 9B-7, F.A.C., in addition to the hard copy please include a copy of the application and drawings or plans on a CD in PDF format.

**General Information:**

- a. **Equipment:** A CD projector is provided at the Accessibility Advisory Council and Florida Building Commission meetings. Any other equipment necessary for your presentation, such as an overhead projector, TV/VCR, slide or LCD projectors, etc., is the responsibility of the applicant.
- b. **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. 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.

**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: JTG of Vero Beach, LLC

Address: 1940 58th Avenue

Vero Beach, FL 32966

**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: John Dean - John H. Dean Architect & Assoc., P.A.

Applicant's Address: 2223 10th Avenue; Vero Beach, FL 32960

Applicant's Telephone: 772-567-4907 FAX: 772-569-3939

Applicant's E-mail Address: jdeanarch@earthlink.net


Relationship to Owner: Project Architect

Owner's Name: JTG of Vero Beach, LLC

Owner's Address: 1940 58th Avenue; Vero Beach, FL 32966

Owner's Telephone: 772-633-1645 FAX 772-778-4950

Owner's E-mail Address: tim@modesittagency.com

Signature of Owner: \_\_\_\_\_  


Contact Person: Tim Modesitt

Contact Person's Telephone: 772-633-1645 E-mail Address: tim@modesittagency.com

Consultant: Larry M. Schneider, AIA

Consultant Address: 4905 Midtown Lane, Suite 2313; Palm Beach Gardens, FL 33418

Consultant Phone: 561-799-6942 Fax: 561-799-6943

Consultant e-mail address: larry@LMSArch.net

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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.)

Existing 2-story building built in 1985. 1st FL 3200 SF, 2nd has one common stair and (2)825-850 SF office spaces. Facility originally set with 5 meters for 4 office tenants. Since 1985, building used for offices and retail. Most recent use a Christian book store. New owner wants to go back to all office use. 1 office downstairs at 3200 SF with 2 existing 825-850 SF offices upstairs.

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5. **Project Construction Cost (Provide cost for new construction, the addition or the alteration):** Owners intended remodel budget at \$260k for building renovation to reconstruction building for elevator & access to top (2)825-850 SF existing office spaces would be an additional \$115k to construction costs. The cost to add an elevator is 44% above the construction budget.

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.

Local building department is requiring an elevator for the 2nd floor. The existing building design would require very high renovation costs to make the existing 2nd Floor accessible with an elevator. Existing building design would require complicated modification of taking out existing split stair landing stairs, and 2 required bathrooms. To create proper head room, vertical access new stairs & bathrooms to replace those that would need to be repaired. This is an extreme hardship for an existing project of this scale. 44% above the renovation improvements budget.

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

**Issue**

1: Bldg Director says elevator is required & it is the only means of vertical accessibility he will accept. Cost to make necessary ADA vertical access by use of an elevator is excessive. Therefore, we would inact the waiver as noted in Section 202.4.1 as a financial hardship.

**Issue**

2: \_\_\_\_\_  
\_\_\_\_\_

**Issue**

3: \_\_\_\_\_  
\_\_\_\_\_

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.

This is an existing (1985) previously utilized structure no increase in size. Facility was originally approved for office/retail. Most recent use retail. New owner wants to utilize as office. Bldg Dept says its a change of use from retail to office and vertical ADA accessibility is required for 2nd FL. This bldg structure particularly difficult to modify for an elevator.

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

Cost to owner if waiver is denied is \$115k. This is more an 44% of the planned renovation cost, which is \$260k without the elevator. This is a hardship!

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.

Renovation budget is \$260k, the cost associated with including the elevator is \$115k. See

Attached detailed budget and 2nd contractor services.

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. Attached budgets to attend to all the work necessary to provide vertical accessibility to the  
2 existing 825-850 SF office spaces.

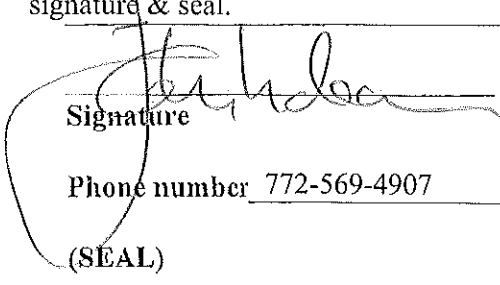
b. Building official will only accept and elevator or a waiver for the elevator.

c. Other designed for elevator accessibility would be more extensive at higher costs.

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.

Attached comments by renovation Architect John H Dean. I did not design the original building, but have been requested to remodel the facility at this time. I have included 24 x 36 plans and letter have my signature & seal.

*my comments Attached*

 John H Dean, Architect  
Signature Printed Name

Phone number 772-569-4907

(SEAL)

**ARCHITECTS REVIEW**  
**JTG of Vero Beach, LLC – Waiver of Accessibility**

This is an unfortunate situation where a small existing two story building, 3200 SF first floor (2 units), 1650-1700 SF 2nd floor (2 units about 825-850 SF each) and was built in 1985 with a single spilt stair access to the second floor. The facility was used successfully for many years as office and retail, recent previous owner used the entire facility as a book store and it was classified as a retail building. Indian River County then purchased the property and inturn sold it to my client JTG of Vero Beach, LLC.

My clients intentions was to return the building back into an office building with his office on the ground floor and two 825-850 SF offices on the second floor. The facility was originally 4 tenant's office/retail. Building Official has said to go from the most recent use as all retail back to office is a change of use and the will require bringing the building into compliance with today's code. Building Official has made it clear he will only accept an elevator or a waiver from the vertical accessibility (elevator) requirement.

This building is a difficult existing design to add an elevator too. There is no common hall to the two upstairs units which necessitates 2 elevators or remodeling the upstairs to accommodate a common hall for an elevator. To create this common hall, 2 bathrooms will need to be removed.

We have exhusted our arguments for other means of vertical access with the local Building Official. We cannot add an elevator to the back of the building because of existing setback requirements and accessibility to that location. The cost to remodel this facility as the owner intended with the first floor and building shell if \$260,000. The second floor was to remain as it has been since 1985. Project renovation costs are \$260,000. To add the elevator would be an additional \$115,000., which is 44% over the renovation budget.

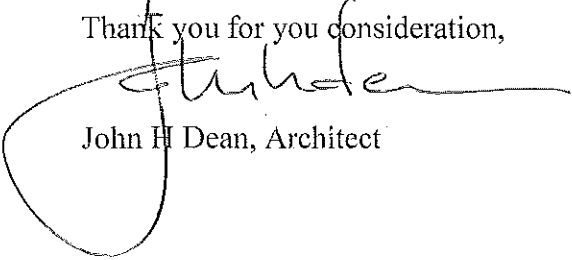
With this waiver, the owners can proceed. We will still change all exsiting door and handrails to be ADA compliant. All new work will be fully ADA. We will upgrade some bathrooms to ADA, and we will remove all ADA accessibility barriers with the exeption of leaving the exsiting staircase as the primary access to the second floor. In this case, this building will be enhanced for safety, utilization and have many new ADA enhancements.

The local Building Official will not accept a LULA or a platform lift. Both of these could reduce the budget, but the project restraint would remain the same. A LULA or a Platform lift would reduce the elevator cost by approximately \$24,000. That is a help but the installation would still cost about \$90,000, which is considerably more than the 20% of the budget (20% if \$260,000 = \$52,000).

This waiver is justified as this is an existing small 2-story building with an office/retail history. 44%, \$115,000 is an excessive financial hardship. This existing design is just difficult to work with. With this waiver this project can continue and can be productive once again.

Please note, the Owner has 2 waiting rooms by the first floor lobby, should the 2<sup>nd</sup> floor tenants need to utilize. The waiver request is fair, resonable, and meets the waiver requirements for being over the 20% of the construction cost. The quoted 44% is more than double the waiver requirement.


Thank you for you consideration,



John H Dean, Architect

# Authorization Form

To whom it may concern, I (we) the undersigned, authorize John H. Dean, Architect, to act as our agent in all matters concerning site plan, comprehensive plan, and building permit matters for the improvements on the real property identified as: Including waivers of all descriptions. I additionally authorize, Larry Schneider, AIA to act as additional agent for this waiver.

Signature 

Printed Name Tim Modesitt

Title Owner - JTG of Vero Beach, LLC  
1940 38th Avenue; Vero Beach, FL 32966

State of Florida

County of Indian River

Sworn to and subscribed before me this 18<sup>th</sup> day of June 2012,

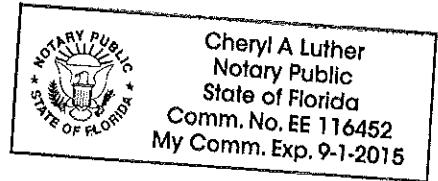
by Timothy Modesitt  
Cheryl A Luther

Notary Public

Personally known

Produced Identification

Type of ID Produced \_\_\_\_\_





**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 18 day of JUNE, 2012

Signature

Printed Name

John H. Dean  
JOHN H. DEAN

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.

# john h. dean architect & associates, p.a., a.i.a.

June 18, 2012

Ms. Mary-Kathryn Smith  
Department of Community Affairs  
Codes & Standards Section  
2555 Shumard Oak Blvd.  
Tallahassee, FL 32399-2100

Subject: JTG of Vero Beach, LLC  
1940 58<sup>th</sup> Avenue; Vero Beach  
Indian River County, Florida  
Project Number: 2012-016

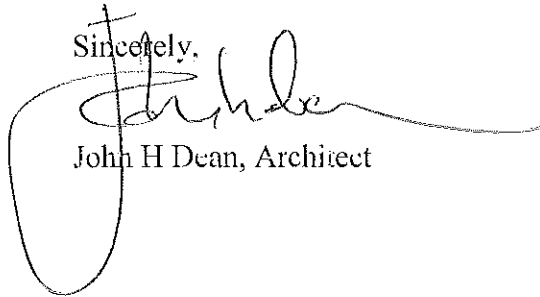
Dear Ms. Smith:

Enclosed you will find hard copies and a CD with the following information:

- Request for Waiver from Assessibility Requirements of Chapter 553, Part V, Florida Statutes
- Full application with the review and recommendation by the Local Building Department and all other application forms
- 24 x 36 plan sheet with site, existing building, and building revisions with notes to explain waiver (including 11 x 17 and 8 ½ x 11 transparency)
- Construction estimated by 2 contractors establishing project value
- Applicant and owner have signed the enclosed application

Additionally, you will find a signed authorization letter from the owner authorizing John H Dean, Architect and Larry Schneider, AIA to act as the owner's agents as needed.

Sincerely,



John H Dean, Architect

*"Unless the Lord build the house they labor in vain that build it." PS.127*

2223 10th Avenue, Vero Beach, Florida 32960 • (772) 567-4907 • Fax: (772) 569-3939

Certification of Licensed Design Professional for Replicated Designs to be Placed on Consent Agenda

N/A

Note: This form is to be used only for cases in which design documents are duplicates of previously approved waivers and the project can be placed on a Consent Agenda pursuant to Rule 9B-7.003(3), Florida Administrative Code.

I, \_\_\_\_\_, a licensed architect/engineer in the state of Florida, whose Florida license number is \_\_\_\_\_, hereby state as follows:

1. I am the architect/engineer of record for the project known as (name of project) \_\_\_\_\_, for which the Owner seeks a waiver of one or more accessibility requirements in an application to which this Certification is attached.

2. I hereby certify that to the best of my knowledge and belief to the Florida Building Commission that the design documents for the (insert project described in paragraph 1 above) \_\_\_\_\_ are the same as the design documents previously submitted to the Commission and referenced in paragraph 3 below, except that the two projects are built or to be built on different parcels of land at different locations.

3. The licensed design professional of record (identify the licensed design professional of record), \_\_\_\_\_, prepared the design documents for the project known as \_\_\_\_\_, for which the majority of the Accessibility Advisory Council recommended approval and the Commission granted a waiver of one or more accessibility requirements in Final Order No. \_\_\_\_\_.

Printed Name: \_\_\_\_\_ Affix certification seal below:

Address: \_\_\_\_\_

\_\_\_\_\_

Telephone: \_\_\_\_\_

Fax: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

N A

Certification of Applicant for Replicated Designs to be Placed on Consent Agenda

Note: This form is to be used only for cases in which design documents are duplicates of previously approved waivers and the project can be placed on a Consent Agenda pursuant to Rule 9B-7.003(3), Florida Administrative Code.

I, \_\_\_\_\_, am applying for placement on the Consent Agenda pursuant to Rule 9B-7.003(3), Florida Administrative Code. I (check one of the following and complete blanks):

am the owner of this Project (name of project) \_\_\_\_\_,

and was the owner of the project known as \_\_\_\_\_,

am the franchisee of this Project (name of project) \_\_\_\_\_,

am under the same franchiser (name of franchiser) \_\_\_\_\_,

who was the franchiser of the project known as \_\_\_\_\_,

am the licensee of this Project (name of project) \_\_\_\_\_,

am under the same licensor (name of licensor) \_\_\_\_\_,

who was the licensor of the project known as \_\_\_\_\_,

for which the majority of the Accessibility Advisory Council recommended approval, and the Florida Building Commission granted a waiver of one or more accessibility requirements in Final Order No. \_\_\_\_\_.

I hereby swear or affirm that the above information to the best of my knowledge is true and correct.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name







# HIGHLAND HOMES OF SEBASTIAN, INC



**1166 PERSIAN LANE, SEBASTIAN, FL 32958**  
**SCOTT SILVA, PRESIDENT**  
**CGC 038720                      CCC 057933**  
**772-388-1411                  CELL 772-473-0400**

**Date 6/15/12**

## **PROPOSAL** **MODESITT BUILDING REMODEL**

**4616 20<sup>TH</sup>. ST.**  
**VERO BEACH FL.**

- INSTALL NEW STANDING SEAM METAL ROOF**
- INSTALL NEW WINDOWS AND DOORS**
- APPLY STUCCO SIDING**
- INSTALL FIRE ESCAPE FOR SECOND FLOOR**
- INSTALL NEW A.C. SYSTEMS**
- REWIRE AS NEEDED**
- NEW PARTIONS ON FIRST FLOOR**
- NEW ADA COMPLIANT BATHROOMS**
- INSTALL DRYWALL AND TRIM**
- PAINT INTERIOR AND EXTERIOR OF BUILDING**
- UPDATE STAIRWAY TO CODE**
- NEW CARPET AND FLOORING 1<sup>ST</sup>. AND 2<sup>ND</sup>. FLOORS**
- FIRE RATED DROP CEILING**
- LABOR, MATERIALS, CLEAN-UP, FEES AND PERMIT**

**265,500.00**

Submitted by  
Scott Silva,  
President of  
Highland Homes of Sebastian, Inc.

/

# HIGHLAND HOMES OF SEBASTIAN, INC



**1166 PERSIAN LANE, SEBASTIAN, FL 32958**  
**SCOTT SILVA, PRESIDENT**  
**CGC 038720**                      **CCC 057933**  
**772-388-1411**                      **CELL 772-473-0400**

**Date 6/15/12**

**PROPOSAL**  
**MODESITT BUILDING**  
**ELAVATOR**  
**4616 20<sup>TH</sup>. ST**  
**VERO BEACH FL.**

**REFRAME SECOND FLOOR AND STAIRWAY TO ACCEPT ELAVATOR**  
**REWIRE AS NEEDED**  
**DRYWALL AND TRIM WALLS AND STAIRWAY**  
**PAINT**  
**INSTALL NEW ELAVATOR**  
**LABOR, MATERIALS,CLEAN-UP,FEES AND PERMIT**

**TOTAL \$115,750.00**

**Submitted by**  
**Scott Silva,**  
**President of**  
**Highland Homes of Sebastian, Inc.**



Cell: 772-473-6076  
Office/Fax: 772-589-7993

State Certified General Contractor  
CGC053597

12524 Roseland Road  
Sebastian, FL 32958

## BUILDING RENOVATION ESTIMATE

EXCLUDING ELEVATOR

**PROJECT NAME:** MODESITT BUILDING

**PROJECT ADDRESS:** 4616 20TH STREET - VERO BEACH, FL 32966

**DATE:** 6-11-2012

| ITEM   | COST  |
|--|-------|
| ADA Compliant Bathroom                               | 5500  |
| ADA Hardware Allowance                               | 2000  |
| Architectural & Engineering Fees                     | 19880 |
| Carpet & Flooring First and Second Floor             | 9000  |
| Ceiling - Accoustical 1 Hour Fire Rated Drop Ceiling | 8000  |
| Concrete Walks                                       | 1500  |
| Demolition - Removal of Siding, Windows and Doors    | 4000  |
| Demolition - Removal of Accoustical Ceilings         | 1500  |
| Dump Fees & Final Clean-up                           | 2500  |
| Drywall - Materials & Labor                          | 8500  |
| Electric Fixtures                                    | 3500  |
| Electric Wiring & Trim                               | 7500  |
| Heat & Air Conditioning                              | 14000 |
| Labor - Rough  | 8000  |
| Labor - Finish                                       | 11000 |
| Lumber   | 2500  |
| Mirrors & Glass                                      | 500   |
| Painting - Materials & Labor                         | 12400 |
| Permit Fees  | 2500  |
| Plumbing - Labor & Materials                         | 3000  |
| Roofing - Labor & Materials                          | 28200 |
| Stairway - Interior - Code Updates                   | 3000  |
| Stairway - Exterior Fire Escape                      | 9120  |
| Stucco - Labor & Materials                           | 12600 |
| Supervision  | 14000 |
| Trim - Interior Doors & Baseboard                    | 4000  |
| Trim - Exterior Impact Doors (Materials)             | 11100 |
| Windows - Impact Low E (Materials)                   | 14000 |
| Windows - Installation                               | 7000  |
| Window Sills & Trim                                  | 2200  |
| Contractors Overhead Fee                             | 22000 |
| Contractors Profit                                   | 11000 |

TOTALS

260000

 6/11/12





Cell: 772-473-6076  
Office/Fax: 772-589-7993

State Certified General Contractor  
CGC053597

12524 Roseland Road  
Sebastian, FL 32958

## BUILDING RENOVATION ESTIMATE ELEVATOR INSTALLATION

**PROJECT NAME:** MODESITT BUILDING

**PROJECT ADDRESS:** 4616 20TH STREET - VERO BEACH, FL 32966

**DATE:** 6/15/2012

| <u>ITEM</u>  | <u>COST</u> |
|--|-------------|
| *****  |             |
| Architectural & Engineering Fees                               | 10000       |
| Building Permit Fees   | 850         |
| Demolition - Stairway & Landing Removal                        | 1800        |
| Demolition - Cut Floor and Joist to Accomodate Shaft           | 700         |
| Demolition - Remove Second Floor Partitions                    | 600         |
| Dump Fees& Cleanup Fees  | 1000        |
| Framing - Floor Joist and Decking to Accomodate Shaft          | 1100        |
| Framing - Elevator Shaft and Stairway Framing                  | 1500        |
| Framing - Frame in Existing Office Doors                       | 300         |
| Framing - Frame New Second Floor Walls                         | 1250        |
| Drywall - New Framing Work, Elevator Shaft, Doorways           | 2220        |
| Electrical - Elevator Equipment, Bath Lights, Hall Lights, etc | 2700        |
| Elevator as per proposal                                       | 48980       |
| Elevator Equipment Room  | 1000        |
| Fire Rating Materials Revisions                                | 2000        |
| Lobby Revisions  | 1000        |
| Painting - Stairs and Drywall                                  | 2800        |
| Plumbing   | 3000        |
| Replace Two Bathrooms Revised For Elevator                     | 9000        |
| Stairs - Materials & Labor                                     | 7000        |
| Trim & Doors - Materials & Labor                               | 2800        |
| Contrator and Supervision Fee                                  | 13400       |
| <br>   |             |
| TOTALS   | 115000      |

*Randy Hines*  
6/15/12

## 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. The building permit has not been applied for therefore a complete plan review has not been done on this project. The architect came in for a preliminary design consultation. The building is going from Mercantile to Business; a change of occupancy. The owner is proposing some alterations to this existing building. During our meeting with the architect, it was noted that there is a second story which is over 1600 sq. ft. in area that is being altered. One or more tenants are proposed to occupy the upstairs. It was explained to the architect that vertical accessibility would be required to this area.

b. Applicable Code Sections are as follows:

- 201.1.1 Vertical Accessibility
- 202.4.1 Alterations affecting primary function areas
- 206.2.3 Multi-Story Buildings and Facilities
  - Advisory 206.2.3

c. The architect asked if a platform lift would be acceptable.

- 206.7 Platform Lifts
  - None of the sub-sections (206.7.1-206.7.5) seem to apply to this building.

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

[ ] Yes [X] No Cost of Construction: N/A

**Comments/Recommendation** The concern is access to and safely carrying passengers upstairs. Passengers could be in a wheelchair, walker, crutches, or could have arthritis or other physical disability prohibiting them from being able to use the stairs.

All things considered; a waiver would seem appropriate for this specific situation. Alternately, if the Florida Building Commission deems it acceptable, a platform lift or LULA would seem appropriate for this specific situation.

Jurisdiction: Indian River County

Building Official or Designee

Signature

Jose Guanch  
Printed Name

BU1497  
Certification Number

772-226-1268 / 772-770-5333  
Telephone/FAX

1801 27 Street, Vero Beach, FL. 32960  
Address:

john h. dean architect & associates, p.a., a.i.a.

June 18, 2012

Ms. Mary-Kathryn Smith  
Department of Community Affairs  
Codes & Standards Section  
2555 Shumard Oak Blvd.  
Tallahassee, FL 32399-2100

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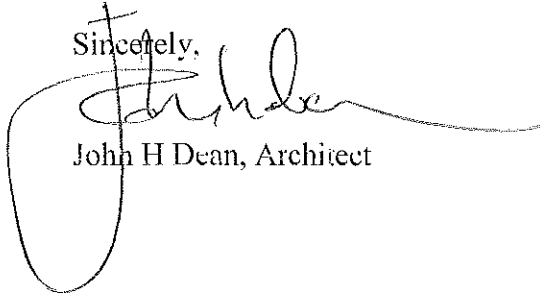
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3.   X   One set of overhead transparencies (8 ½" x 11") of the drawings submitted in item one above. When numerous features are shown on the drawings, please designate the location of the waiver items by highlighting or outlining in color the affected areas.
4.   X   When substantial financial cost of compliance is alleged, supporting cost estimates with quotes from at least two vendors or contractors and catalog information.
5.   N/A   If you feel photographs and/or renderings are necessary for your presentation, provide 40 legible color photocopies of the photographs and/or renderings. If color photocopies of photographs are provided, use a minimum size of 4" x 6" photographs with a maximum of two photographs per photocopied page.
6.   X   Please submit a hard copy of this application to the Department of Community Affairs. PLEASE NOTE: Although not required by Rule 9B-7, F.A.C., in addition to the hard copy please include a copy of the application and drawings or plans on a CD in PDF format.

**General Information:**

- a. **Equipment:** A CD projector is provided at the Accessibility Advisory Council and Florida Building Commission meetings. Any other equipment necessary for your presentation, such as an overhead projector, TV/VCR, slide or LCD projectors, etc., is the responsibility of the applicant.
- b. **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. 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.

**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: JTG of Vero Beach, LLC

Address: 1940 58th Avenue

Vero Beach, FL 32966

**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: John Dean - John H. Dean Architect & Assoc., P.A.

Applicant's Address: 2223 10th Avenue; Vero Beach, FL 32960

Applicant's Telephone: 772-567-4907 FAX: 772-569-3939

Applicant's E-mail Address: jdeanarch@earthlink.net

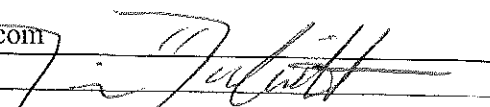
Relationship to Owner: Project Architect

Owner's Name: JTG of Vero Beach, LLC

Owner's Address: 1940 58th Avenue; Vero Beach, FL 32966

Owner's Telephone: 772-633-1645 FAX 772-778-4950

Owner's E-mail Address: tim@modesittagency.com

Signature of Owner: \_\_\_\_\_  


Contact Person: Tim Modesitt

Contact Person's Telephone: 772-633-1645 E-mail Address: tim@modesittagency.com

Consultant: Larry M. Schneider, AIA

Consultant Address: 4905 Midtown Lane, Suite 2313; Palm Beach Gardens, FL 33418

Consultant Phone: 561-799-6942 Fax: 561-799-6943

Consultant e-mail address: larry@LMSArch.net

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.)

Existing 2-story building built in 1985. 1st FL 3200 SF, 2nd has one common stair and (2)825-850 SF office spaces. Facility originally set with 5 meters for 4 office tenants. Since 1985, building used for offices and retail. Most recent use a Christian book store. New owner wants to go back to all office use. 1 office downstairs at 3200 SF with 2 existing 825-850 SF offices upstairs.

---

**5. Project Construction Cost (Provide cost for new construction, the addition or the alteration):** Owners intended remodel budget at \$260k for building renovation to reconstruction building for elevator & access to top (2)825-850 SF existing office spaces would be an additional \$115k to construction costs. The cost to add an elevator is 44% above the construction budget.

**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.

Local building department is requiring an elevator for the 2nd floor. The existing building design would require very high renovation costs to make the existing 2nd Floor accessible with an elevator. Existing building design would require complicated modification of taking out existing split stair landing stairs, and 2 required bathrooms. To create proper head room, vertical access new stairs & bathrooms to replace those that would need to be repaired. This is an extreme hardship for an existing project of this scale. 44% above the renovation improvements budget.

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

**Issue**

1: Bldg Director says elevator is required & it is the only means of vertical accessibility he will accept. Cost to make necessary ADA vertical access by use of an elevator is excessive. Therefore, we would inact the waiver as noted in Section 202.4.1 as a financial hardship.

**Issue**

2: \_\_\_\_\_  
\_\_\_\_\_

**Issue**

3: \_\_\_\_\_  
\_\_\_\_\_

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.

This is an existing (1985) previously utilized structure no increase in size. Facility was originally approved for office/retail. Most recent use retail. New owner wants to utilize as office. Bldg Dept says its a change of use from retail to office and vertical ADA accessibility is required for 2nd FL. This bldg structure particularly difficult to modify for an elevator.

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

Cost to owner if waiver is denied is \$115k. This is more an 44% of the planned renovation cost,

which is \$260k without the elevator. This is a hardship!

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.

Renovation budget is \$260k, the cost associated with including the elevator is \$115k. See \_\_\_\_\_

Attached detailed budget and 2nd contractor services. \_\_\_\_\_

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. Attached budgets to attend to all the work necessary to provide vertical accessibility to the \_\_\_\_\_

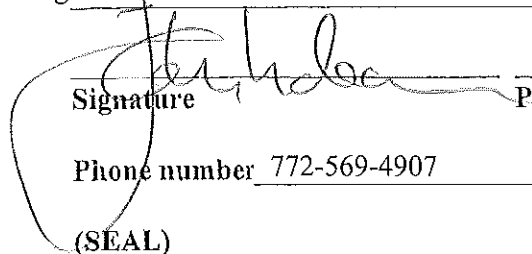
2 existing 825-850 SF office spaces. \_\_\_\_\_

b. Building official will only accept and elevator or a waiver for the elevator. \_\_\_\_\_

c. Other designed for elevator accessibility would be more extensive at higher costs. \_\_\_\_\_

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.

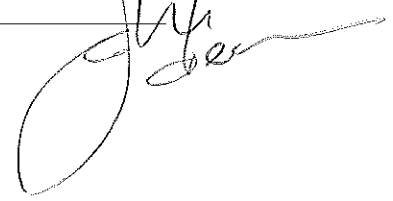
Attached comments by renovation Architect John H Dean. I did not design the original building, but have been requested to remodel the facility at this time. I have included 24 x 36 plans and letter have my signature & seal.

  
Signature  
Phone number 772-569-4907  
(SEAL)

John H Dean, Architect  
Printed Name

my comments

ATTACHED





# Authorization Form

To whom it may concern, I (we) the undersigned, authorize john h. dean, Architect, to act as our agent in all matters concerning site plan, comprehensive plan, and building permit matters for the improvements on the real property identified as: Including waivers of all descriptions. I additionally authorize, Larry Schneider, AIA to act as additional agent for this waiver.

Signature 

Printed Name Tim Modesitt

Title Owner - JTG of Vero Beach, LLC  
1940 38th Avenue; Vero Beach, FL 32966

State of Florida

County of Indian River

Sworn to and subscribed before me this 18<sup>th</sup> day of June 2012,

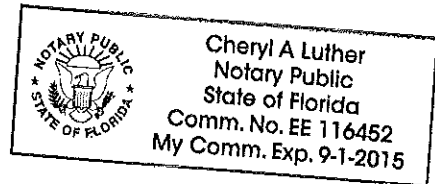
by Timothy Modesitt  
Cheryl A Luther

Notary Public

Personally known

Produced Identification

Type of ID Produced \_\_\_\_\_



**ARCHITECTS REVIEW**  
**JTG of Vero Beach, LLC – Waiver of Accessibility**

This is an unfortunate situation where a small existing two story building, 3200 SF first floor (2 units), 1650-1700 SF 2nd floor (2 units about 825-850 SF each) and was built in 1985 with a single spilt stair access to the second floor. The facility was used successfully for many years as office and retail, recent previous owner used the entire facility as a book store and it was classified as a retail building. Indian River County then purchased the property and inturn sold it to my client JTG of Vero Beach, LLC.

My clients intentions was to return the building back into an office building with his office on the ground floor and two 825-850 SF offices on the second floor. The facility was originally 4 tenant's office/retail. Building Official has said to go from the most recent use as all retail back to office is a change of use and the will require bringing the building into compliance with today's code. Building Official has made it clear he will only accept an elevator or a waiver from the vertical accessibility (elevator) requirement.

This building is a difficult existing design to add an elevator too. There is no common hall to the two upstairs units which necessitates 2 elevators or remodeling the upstairs to accommodate a common hall for an elevator. To create this common hall, 2 bathrooms will need to be removed.

We have exhusted our arguments for other means of vertical access with the local Building Official. We cannot add an elevator to the back of the building because of existing setback requirements and accessibility to that location. The cost to remodel this facility as the owner intended with the first floor and building shell if \$260,000. The second floor was to remain as it has been since 1985. Project renovation costs are \$260,000. To add the elevator would be an additional \$115,000., which is 44% over the renovation budget.

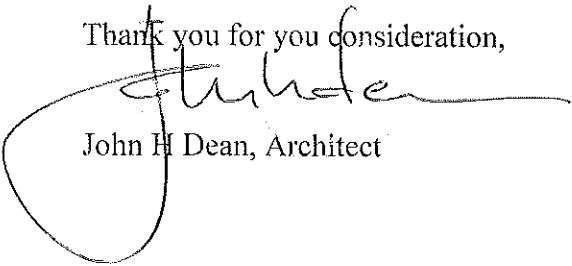
With this waiver, the owners can proceed. We will still change all exsiting door and handrails to be ADA compliant. All new work will be fully ADA. We will upgrade some bathrooms to ADA, and we will remove all ADA accessibility barriers with the exeption of leaving the exsiting staircase as the primary access to the second floor. In this case, this building will be enhanced for safety, utilization and have many new ADA enhancements.

The local Building Official will not accept a LULA or a platform lift. Both of these could reduce the budget, but the project restraint would remain the same. A LULA or a Platform lift would reduce the elevator cost by approximately \$24,000. That is a help but the installation would still cost about \$90,000, which is considerably more than the 20% of the budget (20% if \$260,000 = \$52,000).

This waiver is justified as this is an existing small 2-story building with an office/retail history. 44%, \$115,000 is an excessive financial hardship. This existing design is just difficult to work with. With this waiver this project can continue and can be productive once again.

Please note, the Owner has 2 waiting rooms by the first floor lobby, should the 2<sup>nd</sup> floor tenants need to utilize. The waiver request is fair, reasonable, and meets the waiver requirements for being over the 20% of the construction cost. The quoted 44% is more than double the waiver requirement.

Thank you for your consideration,




John H Dean, Architect

**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 18 day of JUNE, 20 12

  
Signature

JOHN H. DEAW  
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. The building permit has not been applied for therefore a complete plan review has not been done on this project. The architect came in for a preliminary design consultation. The building is going from Mercantile to Business; a change of occupancy. The owner is proposing some alterations to this existing building. During our meeting with the architect, it was noted that there is a second story which is over 1600 sq. ft. in area that is being altered. One or more tenants are proposed to occupy the upstairs. It was explained to the architect that vertical accessibility would be required to this area.

b. Applicable Code Sections are as follows:

- 201.1.1 Vertical Accessibility
- 202.4.1 Alterations affecting primary function areas
- 206.2.3 Multi-Story Buildings and Facilities
  - Advisory 206.2.3

c. The architect asked if a platform lift would be acceptable.

- 206.7 Platform Lifts
  - None of the sub-sections (206.7.1-206.7.5) seem to apply to this building.

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

[ ] Yes [X] No Cost of Construction: N/A

**Comments/Recommendation** The concern is access to and safely carrying passengers upstairs. Passengers could be in a wheelchair, walker, crutches, or could have arthritis or other physical disability prohibiting them from being able to use the stairs. All things considered; a waiver would seem appropriate for this specific situation. Alternately, if the Florida Building Commission deems it acceptable, a platform lift or LULA would seem appropriate for this specific situation.

Jurisdiction: Indian River County

Building Official or Designee \_\_\_\_\_

Signature

Jose Guanch  
Printed Name

BU1497  
Certification Number

772-226-1268 / 772-770-5333  
Telephone/FAX

1801 27 Street, Vero Beach, FL. 32960  
Address:

Certification of Licensed Design Professional for Replicated Designs to be Placed on Consent Agenda

N/A

Note: This form is to be used only for cases in which design documents are duplicates of previously approved waivers and the project can be placed on a Consent Agenda pursuant to Rule 9B-7.003(3), Florida Administrative Code.

I, \_\_\_\_\_, a licensed architect/engineer in the state of Florida, whose Florida license number is \_\_\_\_\_ hereby state as follows:

1. I am the architect/engineer of record for the project known as (name of project) \_\_\_\_\_, for which the Owner seeks a waiver of one or more accessibility requirements in an application to which this Certification is attached.

2. I hereby certify that to the best of my knowledge and belief to the Florida Building Commission that the design documents for the (insert project described in paragraph 1 above) \_\_\_\_\_ are the same as the design documents previously submitted to the Commission and referenced in paragraph 3 below, except that the two projects are built or to be built on different parcels of land at different locations.

3. The licensed design professional of record (identify the licensed design professional of record), \_\_\_\_\_, prepared the design documents for the project known as \_\_\_\_\_, for which the majority of the Accessibility Advisory Council recommended approval and the Commission granted a waiver of one or more accessibility requirements in Final Order No. \_\_\_\_\_.

Printed Name: \_\_\_\_\_ Affix certification seal below:

Address: \_\_\_\_\_

\_\_\_\_\_

Telephone: \_\_\_\_\_

Fax: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

N A

Certification of Applicant for Replicated Designs to be Placed on Consent Agenda

Note: This form is to be used only for cases in which design documents are duplicates of previously approved waivers and the project can be placed on a Consent Agenda pursuant to Rule 9B-7.003(3), Florida Administrative Code.

I, \_\_\_\_\_, am applying for placement on the Consent Agenda pursuant to Rule 9B-7.003(3), Florida Administrative Code. I (check one of the following and complete blanks):

am the owner of this Project (name of project) \_\_\_\_\_,

and was the owner of the project known as \_\_\_\_\_,

am the franchisee of this Project (name of project) \_\_\_\_\_,

am under the same franchiser (name of franchiser) \_\_\_\_\_,

who was the franchiser of the project known as \_\_\_\_\_,

am the licensee of this Project (name of project) \_\_\_\_\_,

am under the same licensor (name of licensor) \_\_\_\_\_,

who was the licensor of the project known as \_\_\_\_\_,

for which the majority of the Accessibility Advisory Council recommended approval, and the Florida Building Commission granted a waiver of one or more accessibility requirements in Final Order No. \_\_\_\_\_.

I hereby swear or affirm that the above information to the best of my knowledge is true and correct.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name



Cell: 772-473-6076  
Office/Fax: 772-589-7993

State Certified General Contractor  
CGC053597

12524 Roseland Road  
Sebastian, FL 32958

## BUILDING RENOVATION ESTIMATE

EXCLUDING ELEVATOR

**PROJECT NAME:** MODESITT BUILDING

**PROJECT ADDRESS:** 4616 20TH STREET - VERO BEACH, FL 32966

**DATE:** 6-11-2012

| <u>ITEM</u>  | <u>COST</u> |
|--|-------------|
| *****  |             |
| ADA Compliant Bathroom                               | 5500        |
| ADA Hardware Allowance                               | 2000        |
| Architectural & Engineering Fees                     | 19880       |
| Carpet & Flooring First and Second Floor             | 9000        |
| Ceiling - Accoustical 1 Hour Fire Rated Drop Ceiling | 8000        |
| Concrete Walks                                       | 1500        |
| Demolition - Removal of Siding, Windows and Doors    | 4000        |
| Demolition - Removal of Accoustical Ceilings         | 1500        |
| Dump Fees & Final Clean-up                           | 2500        |
| Drywall - Materials & Labor                          | 8500        |
| Electric Fixtures                                    | 3500        |
| Electric Wiring & Trim                               | 7500        |
| Heat & Air Conditioning                              | 14000       |
| Labor - Rough  | 8000        |
| Labor - Finish                                       | 11000       |
| Lumber   | 2500        |
| Mirrors & Glass                                      | 500         |
| Painting - Materials & Labor                         | 12400       |
| Permit Fees  | 2500        |
| Plumbing - Labor & Materials                         | 3000        |
| Roofing - Labor & Materials                          | 28200       |
| Stairway - Interior - Code Updates                   | 3000        |
| Stairway - Exterior Fire Escape                      | 9120        |
| Stucco - Labor & Materials                           | 12600       |
| Supervision  | 14000       |
| Trim - Interior Doors & Baseboard                    | 4000        |
| Trim - Exterior Impact Doors (Materials)             | 11100       |
| Windows - Impact Low E (Materials)                   | 14000       |
| Windows - Installation                               | 7000        |
| Window Sills & Trim                                  | 2200        |
| Contractors Overhead Fee                             | 22000       |
| Contractors Profit                                   | 11000       |

TOTALS

260000

*Randy Hines* 6/11/12





Cell: 772-473-6076  
Office/Fax: 772-589-7993

State Certified General Contractor  
CGC053597

12524 Roseland Road  
Sebastian, FL 32958

## BUILDING RENOVATION ESTIMATE

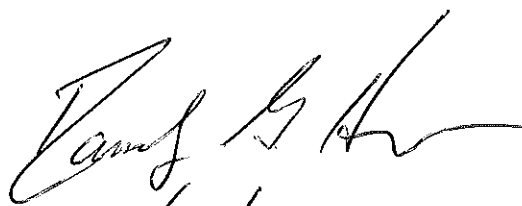
### ELEVATOR INSTALLATION

**PROJECT NAME:** MODESITT BUILDING

**PROJECT ADDRESS:** 4616 20TH STREET - VERO BEACH, FL 32966

**DATE:** 6/15/2012

| <u>ITEM</u>  | <u>COST</u> |
|--|-------------|
| *****  |             |
| Architectural & Engineering Fees                               | 10000       |
| Building Permit Fees   | 850         |
| Demolition - Stairway & Landing Removal                        | 1800        |
| Demolition - Cut Floor and Joist to Accomodate Shaft           | 700         |
| Demolition - Remove Second Floor Partitions                    | 600         |
| Dump Fees & Cleanup Fees                                       | 1000        |
| Framing - Floor Joist and Decking to Accomodate Shaft          | 1100        |
| Framing - Elevator Shaft and Stairway Framing                  | 1500        |
| Framing - Frame in Existing Office Doors                       | 300         |
| Framing - Frame New Second Floor Walls                         | 1250        |
| Drywall - New Framing Work, Elevator Shaft, Doorways           | 2220        |
| Electrical - Elevator Equipment, Bath Lights, Hall Lights, etc | 2700        |
| Elevator as per proposal                                       | 48980       |
| Elevator Equipment Room  | 1000        |
| Fire Rating Materials Revisions                                | 2000        |
| Lobby Revisions  | 1000        |
| Painting - Stairs and Drywall                                  | 2800        |
| Plumbing   | 3000        |
| Replace Two Bathrooms Revised For Elevator                     | 9000        |
| Stairs - Materials & Labor                                     | 7000        |
| Trim & Doors - Materials & Labor                               | 2800        |
| Contrator and Supervision Fee                                  | 13400       |
| <br>   |             |
| TOTALS   | 115000      |

  
6/15/12

# HIGHLAND HOMES OF SEBASTIAN, INC



**1166 PERSIAN LANE, SEBASTIAN, FL 32958**  
**SCOTT SILVA, PRESIDENT**  
**CGC 038720                      CCC 057933**  
**772-388-1411                  CELL 772-473-0400**

**Date 6/15/12**

## **PROPOSAL** **MODESITT BUILDING REMODEL**

**4616 20<sup>TH</sup>. ST.**  
**VERO BEACH FL.**

- INSTALL NEW STANDING SEAM METAL ROOF**
- INSTALL NEW WINDOWS AND DOORS**
- APPLY STUCCO SIDING**
- INSTALL FIRE ESCAPE FOR SECOND FLOOR**
- INSTALL NEW A.C. SYSTEMS**
- REWIRE AS NEEDED**
- NEW PARTIONS ON FIRST FLOOR**
- NEW ADA COMPLIANT BATHROOMS**
- INSTALL DRYWALL AND TRIM**
- PAINT INTERIOR AND EXTERIOR OF BUILDING**
- UPDATE STAIRWAY TO CODE**
- NEW CARPET AND FLOORING 1<sup>ST</sup>. AND 2<sup>ND</sup>. FLOORS**
- FIRE RATED DROP CEILING**
- LABOR, MATERIALS, CLEAN-UP, FEES AND PERMIT**

**265,500.00**

Submitted by  
Scott Silva,  
President of  
Highland Homes of Sebastian, Inc.

/

# HIGHLAND HOMES OF SEBASTIAN, INC



**1166 PERSIAN LANE, SEBASTIAN, FL 32958**  
**SCOTT SILVA, PRESIDENT**  
**CGC 038720**                      **CCC 057933**  
**772-388-1411**                    **CELL 772-473-0400**

**Date 6/15/12**

**PROPOSAL**  
**MODESITT BUILDING**  
**ELEVATOR**  
**4616 20<sup>TH</sup>. ST**  
**VERO BEACH FL.**

**REFRAME SECOND FLOOR AND STAIRWAY TO ACCEPT ELEVATOR**  
**REWIRE AS NEEDED**  
**DRYWALL AND TRIM WALLS AND STAIRWAY**  
**PAINT**  
**INSTALL NEW ELEVATOR**  
**LABOR, MATERIALS,CLEAN-UP,FEES AND PERMIT**

**TOTAL \$115,750.00**

**Submitted by**  
**Scott Silva,**  
**President of**  
**Highland Homes of Sebastian, Inc.**