WAREHOUSE

Issue: Vertical accessibility from the parking lot to the entrance of a warehouse.

Analysis: The applicant is requesting a waiver from providing a ramp from the parking area of an existing 8,350 square foot warehouse undergoing a \$7,000 alteration. The project was originally constructed in 1965, and at that time, 8 parking spaces complying with the local zoning code were constructed. According to the applicant, construction of a ramp to the entrance of the warehouse would result in the elimination of 2 parking spaces in violation of local regulations. To legally eliminate the spaces would require receiving a variance from the local zoning commission, and if denied, the ramp could not be installed. Estimates of \$12,000 and \$15,000 were submitted as proposed costs for the ramp, which would be disproportionate to the cost of construction.

Project Progress:

The project is in plan review.

Items to be Waived:

Vertical accessibility to the front entrance, as required by Section 553.509, Florida Statutes.

- 553.509 Vertical a ccessibility. 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:
 - 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 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: Warehouse

Address: 4763-79 East 11 Avenue

Hialeah, FL 33013

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: Maria C. Vera & Julio C. Morejon

Applicant's Address: 3697 East 10th Avenue, Hialeah, FL 33013

Applicant's Telephone: Work (305) 823-5000 ext. 2540 Cel. (305) 613-9033 Home (305) 827-5728

FAX: (305)888-1444

Applicant's E-mail Address: j143cats@aol.com

Relationship to Owner: Owners

Owner's Name: Same as Applicant

Owner's Address: Same as Applicant

Owner's Telephone: Same as Applicant FAX Same as Applicant

Owner's E-mail Address: Same as Applicant

Signature of Owner:

Contact Person: Julio C. Morejon or Maria C. Vera

Contact Person's Telephone: Work (305)823-5000 ext.2540 Cel. (305)613-9033

E-mail Address: j143cats@aol.com

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.
[X] 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.)
One story warehouse, 8,350 sq. ft. for industrial use.
5. Project Construction Cost (Provide cost for new construction, the addition or the alteration): Alteration \$7,000
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.
The request has been referred to the Commission by the City of Hialeah because the Handicap
Accessibilty Act in question, is a matter pertaining to the State of Florida, not Miami-Dade
County or City of Hialeah.

ITEM NO. 7: Requirements requested to be waived. Please include reference to the

applicable section of the accessibility code.

- (a) Requesting that the vertical accessibility requirement, in Section 553.509, Florida Statutes, and Florida Building Code Section 11-4.8 Ramps, be waived.
- (b) Requesting that the handicap parking spaces requirement, in Section 553.509, Florida Statutes, and Florida Building Code Section 11-4.1.2(5) Parking Spaces, be waived.
- (c) Requesting that the handicap accessible drinking fountain requirement, in Section 553.509, Florida Statutes, and Florida Building Code Section 11-4.1.3(10) Drinking Fountains, be waived.

ITEM NO. 8: Reason or Justification for Request to Waive Requirements.

- (a) This warehouse was constructed in 1965. The required eight parking spaces were provided in 1965. In order to comply with the vertical accessibility requirement, two of the parking spaces would be eliminated by the construction of a ramp. The remaining parking spaces would be insufficient to comply with the code requirement of eight parking spaces. This would then necessitate the obtaining of a zoning variance to the parking requirements as there is no other space on the site to construct parking spaces to replace the two spaces that would be taken by the ramp construction. If the parking variance was denied, then the ramp could not be built. The planned warehouse renovation would then not be able to proceed. Also, the construction cost of the ramp would be greater than twenty percent (20%) of the cost of the planned renovation of the existing warehouse. The complying with these requirements would then create an undue hardship that would be primarily a result of the Florida Statute, Section 553.509.
- (b) The existing eight parking spaces are a site specific situation that complied with the Code when the warehouse was constructed in 1965. They are perpendicular to the street, which gives each parking space direct access to the street. In order to comply with the handicap accessible parking requirement, four of these parking spaces would be eliminated by the construction of the two required handicap accessible parking spaces. The remaining four parking spaces, plus the two handicap accessible parking spaces, would only provide six parking spaces. The six parking spaces would then not comply with the code requirement of eight parking spaces. This would necessitate the obtaining of a zoning variance to the parking requirements as there is no other space on the site to construct parking spaces to replace the spaces that would be taken by the construction of the two handicap accessible parking spaces. If the parking variance was denied, then the handicap accessible parking spaces could not be built. The planned warehouse renovation would then not be able to proceed. This situation would then create an undue hardship that would be primarily a result of the Florida Statute, Section 553.509.

7.		quirement(s) requested to be waived. Please include reference to the applicable		
		tion of the accessibility code. Requesting that the Vertical Accessibility Requirement, Section 553.509, Florida Statues be waived.		
		In order to comply with the Vertical Accessibility requirements several of the existing parking spaces will be eliminated by the construction of a ramp for handicap accessibility. The remaining parking spaces would be insufficient to satisfy the zoning code requirements for the requested number of parking spaces for this warehouse. It would be necessary to obtain a variance to the number of required		
		parking spaces. If this was denied the property would be in violation of the zoning code. This would create an undue hardship that would be primarily a result of the statue.		
	(b)	The existing parking spaces are a unique situation, in that 90° parking off the street was allowed when this warehouse was built in 1965, this type of parking is no longer allowed. However, due to the building covering almost the entire site, there is no other space available to construct other parking spaces. This parking condition is a unique circumstance applicable to this site that causes this hardship situation.		
	(c)			
		Comments		
3.	Re	ason or Justification for Request (please address in same sequence as #7 above)		
	(a)			
	(b)			
	(c)			

CERTIFICATIO	N OF APPLICANT:		
attached for review		ents in support of this Request for War mission and that all statements made d correct.	
Dated this	day of	, 20	
	attached letter		
Signature			
Printed Name		-	
complete. If the ap revoke any order	plicant misrepresents or omits a and will notify the building off	s that the information in it is true, accur ny material information, the Commissi icial of the permitting jurisdiction. Pro- le as a misdemeanor under Section 7	on may oviding

CERTIFICATION OF APPLICANT:

I hereby swear and affirm that plans in support of this Request for Waiver are attached for review by the Florida Board of Building Codes and Standards and that all statements made in this application are to the best of my knowledge true and correct.

Da	ted this 7 day of September, 2005
	ted this 7 day of September, 2005 Monus Colemban Signature Signature
	MARIA C VERA /Julio e. Morrejon. Printed Name
ST CC	OUNTY OF MAMILDADE
on No wa	fore me, an officer of the State of, qualified to administer oaths, there appeared this date, who produced state of
	Printed Name
M	y Commission Expires: 208 Susan Alonso My Commission DD286722 Expires February 02, 2008

REVIEW BY LOCAL BUILDING DEPARTMENT

COMMENTS: Please state why the issue referred to the Board as well as a recommendation for disposition. The Building Official or his designee must review the application and indicate that to the best of his/her knowledge, all information stipulated herein is true and accurate.

This waiver of vertical accessibility is referred to the Board because, after taking into consideration all pertinent factors, the hardship that will be imposed to the applicant, if this request is denied will be of such degree of severity that will render this project infeasible, resulting in a substantial and unreasonable injustice to the applicant.

The modifications to the existing parking, if this waiver is denied, will trigger the elimination of the "Grandfather Clause" that allows vehicles to back up to East 11 Avenue. An effort has been made to provide new accessible toilets as part of this renovation for individuals that are physically challenged but not wheelchair bound.

To the best of my knowledge all information stipulated herein is true and accurate.

Jurisdiction City of Hialeah, Florida

Inspector/ Plans Examiner

Brown To and Subscribed before mithis 09-12-05

MAGALY LUGO

by from getting

MY COMMISSION # DD394592

EXPIRES: February 08, 2009

ANOTARY FI. Notary Discount Assoc Co.

ME Solly Fingul Property

Printed Name

Address:

501 Palm Avenue, Second Floor

Hialeah, Florida 33010

Telephone/ Fax: (305) 883-5830 / (305) 883-5949

Thomas H. Maxwell, Jr., P.E. CONSULTING ENGINEER

September 6, 2005

Florida Board of Codes & Standards 2740 Centerview Drive Tallahassee, FL 32399-2100

RE: Request for Waiver From Accessibility Requirements for

Warehouse Renovation Project

Address: 4763 & 4779 East 11th Avenue

Hialeah, FL 33013

Applicant: Maria C. Vera Julio C. Morejon

TO WHOM IT MAY CONCERN:

The attached application is being submitted to request the waivers from the accessibility requirements for this renovation project in this existing one story, two bay, concrete block and stucco (CBS) warehouse. This warehouse was constructed in 1965 according to the City of Hialeah's records. Other than street improvement projects in the Public Right Of Way, by the City of Hialeah, there have been no other improvement projects done to the warehouse since it was constructed in 1965.

This project consists of the replacement of the one hour fire rated tenant separation wall between the two bays and the replacement of the rest room in each bay. The cost of this renovation work is itemized in the waiver application. The plans for this renovation project are in the Plan Review Process by the City of Hialeah Building Department. The City of Hialeah's Chief Building Official is requesting that this waiver for the items described in the application be processed as part of the plan review and approval process for this project.

Since this warehouse was constructed prior to October 1, 1997, and it is not accessible to the public, it is exempt from the accessibility requirements according to the Florida Building Code Section 11-4.1.3 Accessible Buildings: New Construction.

Therefore, please approve the requested waivers for the accessibility ramp, the handicap parking spaces and the handicap accessible drinking fountains in order that this project may proceed to completion.

Thank you for your attention to this matter.

Thomas H. Maxwell Jr., P.E.

Florida P.E. No. 10150

Applicants Maria C. Vera Julio C. Morejon

September 6, 2005

Florida Board of Codes & Standards 2740 Centerview Drive Tallahassee, FL 32399-2100

RE: Request for Waiver From Accessiblity Requirements for Warehouse Renovation Project Address: 4763 & 4779 East 11th Avenue Hialeah, FL 33013

To Whom It May Concern:

The following is an explanation of the work being done at the above address and the limitations that have been encountered.

Currently we are working on the remodelation of two bathrooms that will comply with the Handicap Accessibility Act. Due to the lack of parking spaces we had to request a Waiver Form for the construction of a Handicap Accessible Ramp.

Three to four years ago the City of Hialeah remodeled East 11th Avenue with curbs, planters, and light posts, eliminating two of the eight parking spaces that were previously part of the warehouse.

The project taking place has a current value of seven thousand dollars, the handicap ramp alone has and estimated value of fifteen to eighteen thousand dollars, therefore will not comply with the Twenty Percent Rule. The rule states that twenty percent of the project value needs to be directed towards Handicap Accessibility.

Constructing the accessibility ramp would limit the property to two parking spaces, therefore we will comply with the Accessibility Act, but in turn we will not comply with the Zoning Code due to the limited number of parking spaces.

Please review and consider the following matters.

Sincerely,

Maria (Vera Morejon Sworn to and subscribed before me this 2 day of Sept., 2005.

Personally Known Produced I.D.

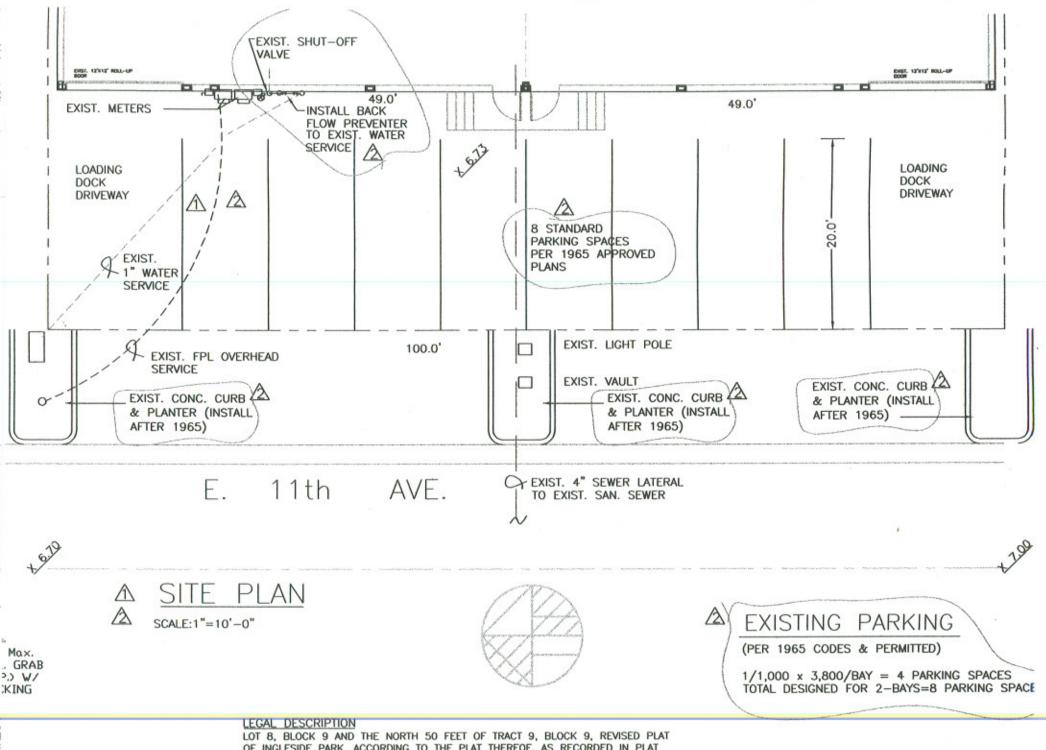
Notary Public, State of Florida At Large My Commission Expires: Susan Alonso

Expires February 02 2000

ITEM NO. 8(c): Continued:

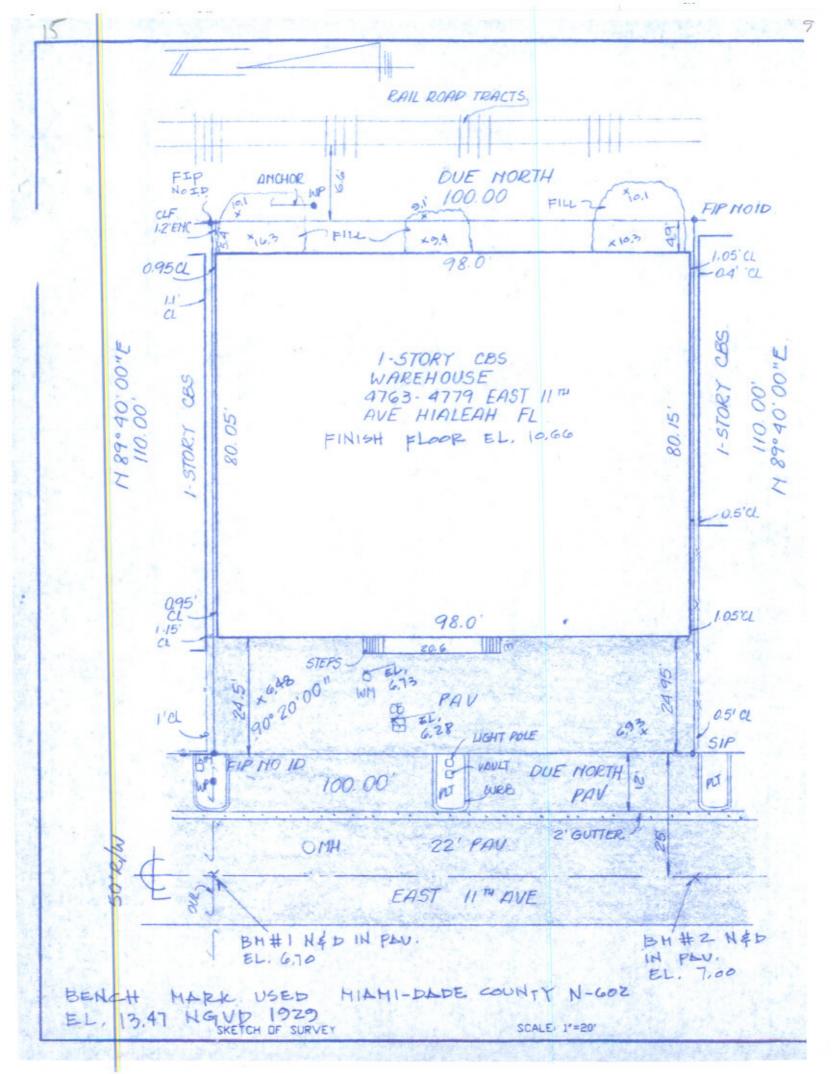
(c) In order to comply with the handicap accessible drinking fountain requirement, a drinking fountain which is accessible to individuals who use wheelchairs and one drinking fountain which is accessible to those who have difficulty bending or stooping, would have to be provided. In order to provide these two drinking fountains in each of the two bays in this warehouse, an electric circuit and a water and sewer connection has to be provided in each of the two bays. As this is an existing warehouse that was constructed in 1965, and that has no public access, the cost of this requirement would create an undue hardship that would be primarily a result of the Florida Statute 553.509.

END OF CHECKLIST ITEM NO. 8.



OF INGLESIDE PARK, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 28 AT PAGE 81 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA.

ALSO KNOWN AS:



CHAITMENTHE CHIND SONVETURS INC.

1700 SW 57TH AVE, SUITE 201 MIAMI, FLORIDA 33155 TELEPHONE: (305) 262-1925 FAX 305) 262-2944

DOLPHIN ENTERPRISE CONTRACTORS, INC.



FREE ESTIMATES . ESTIMADO GRATIS .

Cell: 786-315-8448 Cell: 786-663-1526

Invoice No.

INVOICE

Customer Name Address City Phone	100 E 1 H AVE. 100 E 1 ZIP 22019 100 E 100 T 1	Misc Date Order No. Rep FOB
Qty	Appr. 60 ft. of Ramp providing entrance to building. * Excluding blueprints God for 30 days	Unit Price TOTAL 12,50.
Payment Comments Name CC # Expires	Select One Tax Rate(s) Office Use	SubTotal Shipping TOTAL TOTAL TOTAL Only

THANK YOU FOR YOUR BUSINESS



QUOTATION

4800 SW 74 Court Miami, FL 33155

Phone: 305-661-9393 Fax: 305-663-9207

Quotation # Customer ID

Client inf. Mania

Company Name

Street Address 4763 - 79 E 11 We City, ST ZIP Code HIALEAH, F 33013

Prepared by:

Comments or special instructions:

Description	AMOUNT
Accessibility Romp, Starping At 35t	hich
Accessibility RAMP, STARTING AT 3FT DOWN to O (INCLUDING RAILINGS). EXTENDING APPAROX 70 FT IN LENGTH.	77
DOWN TO UE INCLUSING TENT TO	
Extensing Apparox 70 FT IN Length.	
Т	OTAL S / 000.05

If you have any questions please call the number above.

YOUR BUSINESS IS GREATLY APPRECIATED.



