

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:** LONDON HOUSE APARTMENTS

**Address:** 1975-1965 WASHINGTON AVENUE, MIAMI BEACH, FL. 33139

**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:** Manuel Forero

**Applicant's Address:** 945 Pennsylvania Avenue Miami Beach Fl 33139

**Applicant's Telephone:** 305.538.0090 Ext 224 **FAX:** 305.538.2863

**Applicant's E-mail Address:** manuel@miamibeachcdc.org

**Relationship to Owner:** Project Director

**Owner's Name:** MBCDC London Hosue LLC, Roberto Datorre - President

**Owner's Address:** 945 Pennsylvania Avenue Miami Beach Fl 33139

**Owner's Telephone:** 305.538.0090 **FAX** 305.538.2863

**Owner's E-mail Address:** roberto@miamibeachcdc.org

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



**Contact Person:** Manuel Forero

**Contact Person's Telephone:** 786.539.9915 **E-mail Address:** manuel@miamibeachcdc.org

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**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.)

The project is an existing apartment building complex within the Museum Historic District in Miami Beach, Florida. The building complex is comprised of two structures joined by an elevated pedestrian bridge that acts as an entry feature through which users enter a common courtyard. The North Building is a three story elevator building(1975 Washington) and the South Building is a two story walkup (1965 Washington) both buildings were built in 1948. Accessible route to the south building will be through the elevator in the north building. See historical research by Ms., Carolyn Klepser attached. The buildings are being altered in phases using government funds to create affordable housing within the City of Miami Beach.

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

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**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.

Two issues are within the review for determination by the Florida Building Commission thru recommendation by the Accessibility Council. First the issue of an elevator which does provide access to the second and third levels, however the elevator cab is accessible by wheelchair users but is undersized in accordance with FACBC, and second, the issue of phasing of the project due

to time constraints tied to the government sponsored financing structure of the project, forces the first building to be renovated (1965 – two story building) to request a temporary Certificate of use while the second building (which contains the vertical accessibility element) will still be undergoing renovations and will not be completed until a few months later.

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

**Issue**

1: Florida State Status, section 553.509 (vertical accessibility) for size of elevator cab an temporary relief from full compliance in order to comply with a condition for government sponsored financing for the creation of Affordable Housing that required a Temporary Certificate of Use for Phase I of a two Phase alteration project.

**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.

The issue of the requirement for vertical accessibility to all levels, as mandated by the Florida State Statutes, section 553.509 VERTICAL ACCESSIBILITY. This section states that - **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 habitable grade level, regardless of whether the guidelines require an elevator to be installed in such building, structure, or facility.** Furthermore Florida State Statutes, section 553.512 states that the Florida Building Commission shall provide by regulation, criteria for **granting individual modifications of, or exceptions from, the literal**

requirements of this part upon a determination of unnecessary, unreasonable, or extreme hardship, provided such waivers shall not violate federal accessibility laws and regulations and shall be reviewed by the Accessibility Advisory Council. Notwithstanding any other provision of this subsection, if an applicant for a waiver demonstrates economic hardship in accordance with 28 C.F.R. s. 36.403(f)(1), a waiver shall be granted. There are two buildings within this project that were originally permitted separately, yet currently designed by the same Architect and built the same year (see attached historical report by Ms. Carolyn Klepser). The two buildings are joined by a pedestrian bridge at the second floor which provides the two story south building (1965 Washington) with access to the elevator within the north building (1975 Washington) see photos attached. The north building is three stories. There is an elevator in this building which does provide access to the second and third floors, however, the elevator cab size is approximately 41"x52" with a side entry which would allow for wheelchair use but does not meet the clear cab size area as identified within the FACBC. Enlarging the elevator shaft is not readily achievable and is cost prohibitive. The three story building will accommodate 18 apartments in total all of which will be accessible. The south building is two stories with three apartments on the ground floor and three on the second floor. It is these latter three units which are accessible via the use of the elevator in the north building (mentioned previously) and using the inter-connecting bridge. The entire first floor of the property will become accessible thru the construction of an accessible ramp which will provide access from 20<sup>th</sup> street into the main courtyard between both buildings and from there into each building. This vertical accessibility feature will be built and completed during phase I of the project.

Therefore the waiver request is for vertical accessibility to the two story building during interim period of time in which the two story building seeks to obtain a temporary certificate of occupancy and the completion of the alterations to the three story building, as well as modifying the elevator cab size.

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

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[ ] 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.

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**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. \_\_\_\_\_

b. \_\_\_\_\_

c. \_\_\_\_\_

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.

Under Florida State Statutes a waiver can be granted for one of the following reasons – a determination of unnecessary, unreasonable, or extreme hardship. We believe that we would qualify under an unreasonable, an extreme hardship and technical infeasible due to the historical requirements for this project. We concur with the reasoning as so stated under item 8.

James Mackenzie as mgr. JAMES R. MACKENZIE  
Signature Printed Name

Phone number 305 866 1668.

(SEAL)

**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 22 day of AUGUST, 20 12

Manuel Forero  
Signature

MANUEL FORERO  
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.. See attached City of Miami Beach support letter

b. \_\_\_\_\_

c. \_\_\_\_\_

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

[ x ] Yes [ ] No Cost of Construction \$280,000

**Comments/Recommendation** \_\_\_\_\_

\_\_\_\_\_

Jurisdiction \_\_\_\_\_

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

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

\_\_\_\_\_  
Certification Number

\_\_\_\_\_  
Telephone/FAX

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

\_\_\_\_\_



# MIAMIBEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139. [www.miamibeachfl.gov](http://www.miamibeachfl.gov)

PLANNING DEPARTMENT  
Tel: 305-673-7550, Fax: 305-673-7559

August 21, 2012

Members of the Florida Building Commission & Accessibility Advisory Council  
c/o Mary-Kathryn Smith  
Office of Codes and Standards, Florida Department of Community Affairs  
2555 Shumard Oaks Boulevard  
Tallahassee, Florida 32399-2100

*Re: 1965-1975 Washington Avenue, Miami Beach: Application for Accessibility Waiver*

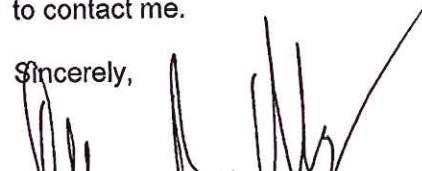
Dear Mary-Kathryn and Members of the Commission and Council:

I am writing to you in support of the accessibility waiver application for the Historic London Arms structure at 1965-1975 Washington Avenue. Constructed in 1948 and designed by noted period Architect Robert Little, the subject structure is classified as "Contributing" in the Miami Beach Historic Properties Database and is located within the National Register Architectural District and the Museum Local Historic District. The subject structure retains an extraordinary degree of historic and architectural integrity and is representative of the rich diversity of architectural styles that have evolved within the City's Historic Districts. The current proposal to retain, preserve and restore this building is essential to the future understanding of the development of architecture in Miami Beach.

The subject structure is a qualified historic building under the federal ADA regulations, the ADA Accessibility Guidelines (ADAAG) and Chapter 11 of the Florida Building Code. The requested waiver pertains to vertical accessibility within the building at 1965 Washington Avenue. Specifically, the installation of an elevator shaft would substantially alter the historic character and design integrity of this structure, and would impose a financial and time frame hardship on the completion of the larger restoration project. The structure at 1975 Washington Avenue already has an elevator, which will be retained, preserved and restored. Additionally, both structures are physically connected by a bridge on the second floor, as well as by exterior common areas on the ground level. The waiver being sought would permit the issuance of a TCO for the 1965 Washington Avenue structure until the 1975 Washington Avenue structure is finished, and the existing elevator can serve both buildings.

The City of Miami Beach Planning Department, on behalf of the Historic Preservation Board, strongly supports the subject waiver request. If you have any questions relative to the historic significance of the existing structures, or you need additional information, please do not hesitate to contact me.

Sincerely,



Thomas R. Mooney, AICP

Design & Preservation Manager

TRM:tm

F:\PLAN\GALLIGEN\_CORR\ACCESSIBILITY WAIVERS\2012\TM-FBC 1965 WASHINGTON AVENUE.DOCX

We are committed to providing excellent public service to all who live, work and play in our vibrant, tropical, historic community.



CAROLYN KLEPSEK  
2383 FLAMINGO DR. #7  
MIAMI BEACH, FLA. 33140

(305) 538-4984

This is a summary of information I have found on London House Apartments in Miami Beach:

Two permits were issued for the construction of London House in 1948: in April, permit #27088 was issued for the two-story southern portion (1965 Washington Avenue), and in June, permit #27581 was issued for the three-story northern section (1975 Washington Avenue). Upon their completion, a Certificate of Occupancy was issued for both sections on January 13, 1949. Robert M. Little, a prominent architect in Miami, Miami Beach and Coral Gables, designed both sections. None of his plans for the southern section were found on microfilm in the Miami Beach Building Department, but three sheets of plans were found for the northern section. They were, however, in very poor condition, with only the foundation plan being discernible.

A search for other records in photograph, postcard, and newspaper archives yielded a 1949 photograph of the entire building, viewed from Washington Avenue, in the Curt Teich Postcard Archive in Wauconda, Illinois (#9BH1560). This photo shows the masonry wall along the streetfront, the covered first-floor terrace and open third-floor bridge connecting the buildings, elevator tower, awning-type windows, metal railings, flat roofs with convex overhanging eaves, signage on the rooftop and front entry, and painted signage at the northwest parapet.

A newspaper ad for the "just completed" London House (*Miami Daily News*, Jan. 16, 1949) contains a similar photograph, and advertises "swimming

pool – elevator – solarium – roof garden.” The elevator was only in the three-story section, and the swimming pool was probably a shared arrangement with a nearby facility, as there is no record of London House ever having a pool on site. A 1959 aerial survey photograph from the Public Works Department shows the rooftop fixtures at that time.

A photographic postcard of the building, again viewed from Washington Avenue, is of unknown date, but was taken after the 1954 expansion of the rooftop sign. It shows the addition of through-the-wall air-conditioners on the third story, and of awnings over most of the windows, and a pole-supported canopy extending over the front terrace. A similar photograph from 1989 is included in the Miami Beach Planning Department’s Historic Properties Database. No photographs have been found for any other views of the building besides the west elevation, with a small portion of the south elevation visible as well.

London House was included in the National Register Historic District of Miami Beach in 1979 as a “non-historic conforming” structure. It first received local historic designation in 1992 as part of the expansion of the city’s Museum Historic District. It was reclassified in the city’s Historic Properties Database as a “Contributing” structure in July 1996.

--- Carolyn Klepser, researcher

June 16, 2010



20th STREET

WASHINGTON AVENUE

EXISTING SIDEWALK

+5.16' NGVD

ACCESSIBLE ROUTE

UNIT 102  
REFER TO 1/4" DRAWINGS  
FOR MORE INFORMATION  
(SHEET A4.1 )  
613 SQ.FT.

UNIT 104  
REFER TO 1/4" DRAWINGS  
FOR MORE INFORMATION  
(SHEET A4.1 )  
842 SQ.FT.

UNIT 106  
REFER TO 1/4" DRAWINGS  
FOR MORE INFORMATION  
(SHEET A4.1 )  
1,017 SQ.FT.

UNIT 105  
REFER TO 1/4" DRAWINGS  
FOR MORE INFORMATION  
(SHEET A4.1 )  
811 SQ.FT.

UNIT 101  
REFER TO 1/4" DRAWINGS  
FOR MORE INFORMATION  
(SHEET A4.1 )  
583 SQ.FT.

UNIT 103  
REFER TO 1/4" DRAWINGS  
FOR MORE INFORMATION  
(SHEET A4.1 )  
879 SQ.FT.

UNIT 101  
REFER TO 1/4" DRAWINGS  
FOR MORE INFORMATION  
881 SQ.FT.

UNIT 102  
REFER TO 1/4" DRAWINGS  
FOR MORE INFORMATION  
(SHEET A4.1 )  
368 SQ.FT.

UNIT 103  
REFER TO 1/4" DRAWINGS  
FOR MORE INFORMATION  
903 SQ.FT.

(ACCESSIBLE UNIT)

COURTYARD

+6.98' NGVD

+7.34' NGVD

+6.83' NGVD

+5.44' NGVD

+4.10' NGVD

BLDG-1975

BLDG-1965

TRASH ROOM  
(see detail  
this sheet)

Existing electrical  
service

GROUND FLOOR PLAN (Proposed)

SCALE: 3/16"=1'-0"

- LEGENDS
- EXISTING WALLS TO REMAIN
  - NEW INTERIOR PARTITIONS
  - NEW BLOCK WALL
  - ACCESSIBLE ROUTE



INITIAL PROJ. DATE 08/20/12

PROJECT

DRAWN BY

REVISION DATE BY

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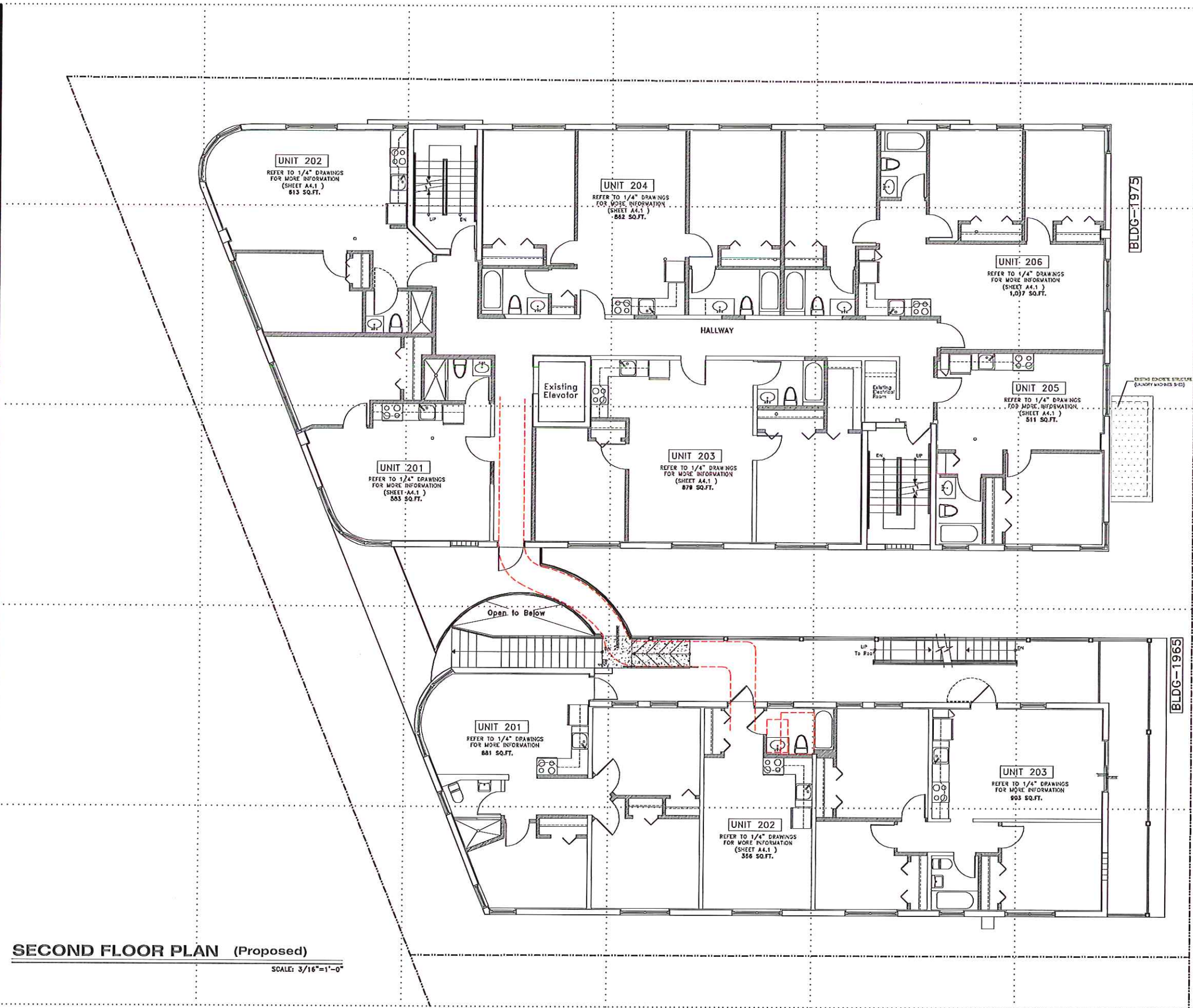
LONDON HOUSE - 1965 & 1975 BLDG  
 INTERIOR REMODELING  
 OWNER: MBCCDC/The London House LLC - 1965 - 1975 Washington Avenue, Miami Beach, FL 33139  
 ARCHITECTUREWORKS, LLC  
 3071 South Dale St Miami Beach, FL 33141 (305) 688-0221 Fax: (305) 688-0221

ISSUED 8-22-12 - FOR ADA WAIVER SUBMITTAL





ARCHITECT  
 James R. Mockenzie  
 P.L.L.C. - MI-003941

SHEET

A2.1



**SECOND FLOOR PLAN (Proposed)**  
 SCALE: 3/16"=1'-0"

- LEGENDS**
-  EXISTING WALLS TO REMAIN
  -  NEW INTERIOR PARTITIONS
  -  NEW BLOCK WALL
  -  ACCESSIBLE ROUTE







INITIAL PROJ. DATE	08/20/12
PROJECT	
DRAWN BY	
REVISION	DATE BY

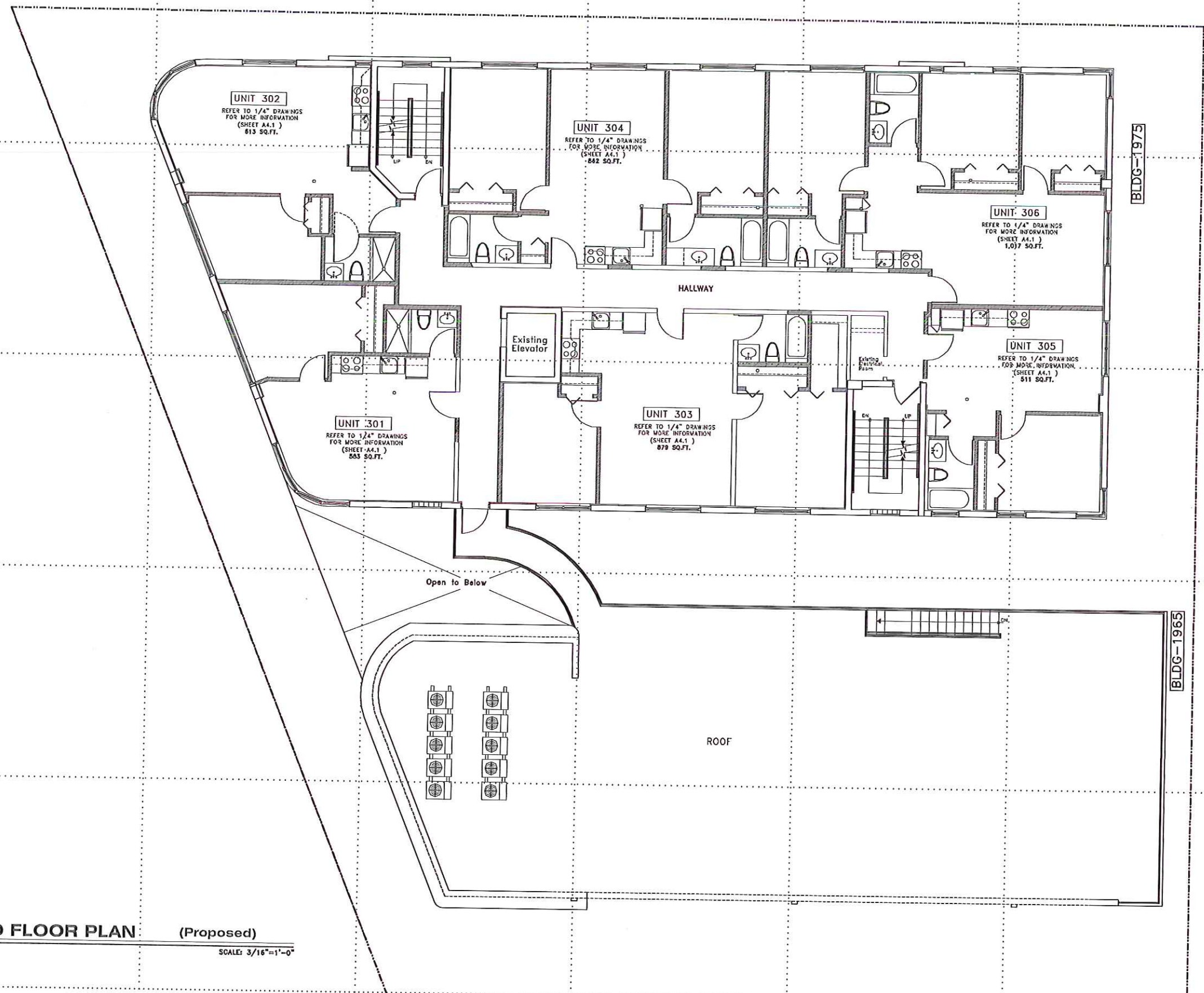
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**LONDON HOUSE—1965 & 1975 BLDG  
INTERIOR REMODELING**  
OWNER: MBCCDC/The London House LLC. — 1965 —1975 Washington Avenue, Miami Beach, FL 33139  
**ARCHITECTUREWORKS, LLC**  
30771 Sunset Blvd. Suite 202 Miami Beach, FL 33141 (305) 369-1422 Fax: (305) 369-1881

ARCHITECT  
James R. Mckenzie  
FL 00000000  
SHEET  
**A2.3**

ISSUED: 8-22-12 — FOR ADA WAIVER SUBMITTAL  
NORTH

- LEGENDS**
-  EXISTING WALLS TO REMAIN
  -  NEW INTERIOR PARTITIONS
  -  NEW BLOCK WALL
  -  ACCESSIBLE ROUTE



**THIRD FLOOR PLAN (Proposed)**  
SCALE: 3/16"=1'-0"