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: INTERIOR RENOVATION /REMODEL FOR "GALOPIN RESTAURANT" Address: 358 NORTH PARK AVENUE, WINTER PARK, FLORIDA 32789 2. Name of Applicant. If other than the owner, please indicate relationship of applicant to owner and written authorization by owner in space provided: ROMAN YURKIEWICZ, BFY ASSOCIATES INC Applicant's Name: 203 GLENVIEW BLVD., DAYTONA BCH., FL 32118 Applicant's Address: 386-255-9354 386-258-2261 FAX: Applicant's Telephone: BFY4@AOL.COM Applicant's E-mail Address: OWNER'S ARCHITECT Relationship to Owner: Owner's Telephone: Owner's E-mail Address: Into Signature of Owner: Contact Person's Telephone: 315 720 5700 E-mail Address: into @ galopin WinterArk, co.

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.)
The project is an alteration/interior remodeling to an existing two story restaurant which is approximately 7000sf of which 3900sf is on the first floor and 3100sf is on the second floor. The facility was constructed over 80 years ago and has been the existing use for decades.
5. Project Construction Cost (Provide cost for new construction, the addition or the alteration): § Estimated Project Budget is \$125,000.00
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 [X] Completed*
* Briefly explain why the request has now been referred to the Commission. During the construction the concern of providing vertical accessibility to the second floor became an issue and the consideration of providing a platform lift on the existing stairs would not be able to be accomplished to comply with applicable code, safety and constructability issues. The owner was informed of the 20% rule and it is our opinion that we meet the

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

Issue: Compliance with Section 553.509 Florida State Statutes

requirements of the 20% rule; therefore we are submitted for this waiver.

1. **553.509 Vertical accessibility.-**-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.

553.512 Modifications and waivers; advisory council -

- (1) 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. The commission shall establish by rule a fee to be paid upon submitting a request for a waiver as provided in this section. 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.
- 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. **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.**

Please describe how this project meets the following hardship criteria. Explain all that would apply for consideration of granting the waiver.

[X] 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. The FACBC requires the following – Section 202.4 Alterations Affecting Primary Function Areas. In addition to the requirements of 202.3, an alteration that affects or could affect the usability of or access to an area containing a primary function shall be made so as to ensure that, to the maximum extent feasible, the path of travel to the altered area, including the rest rooms, telephones, and drinking fountains serving the altered area, are readily accessible to and usable by individuals with disabilities, unless such alterations are disproportionate to the overall alterations in terms of cost pursuant to 202.4.1. Alterations to windows, hardware, controls, electrical outlets, and signage shall not be deemed to be alterations that affect the usability of or access to an area containing a primary function. Section 202.4.1 Disproportionate Cost states that alterations made to provide an accessible path of travel to the altered area will be deemed disproportionate to the overall alteration when the cost exceeds 20% of the cost of the alteration to the primary function area. Costs that may be counted as expenditures required to provide an accessible path of travel may include: (i) costs associated with providing an accessible entrance and an accessible route to the altered area; (ii) costs associated with making restrooms accessible, such as installing grab bars,

enlarging toilet stalls, insulating pipes, or installing accessible faucet controls; (iii) costs associated with providing accessible telephones, such as relocating the telephone to an accessible height, installing amplification devices, or installing a text telephone (TTY); (iv) costs associated with relocating an inaccessible drinking fountain. 202.4.2 Accessible Features in the Event of Disproportionality. When the cost of alterations necessary to make the path of travel to the altered area fully accessible is disproportionate to the cost of the overall alteration, the path of travel shall be made accessible to the extent that it can be made accessible without incurring disproportionate costs. In choosing which accessible elements to provide, priority should be given to those elements that will provide the greatest access, in the following order: (i) an accessible entrance; (ii) an accessible route to the altered area; (iii) at least one accessible restroom for each sex or a single unisex restroom; (iv) accessible telephones; (v) accessible drinking fountains; and (vi) when possible, additional accessible elements such as parking, storage, and alarms.

The project cost is \$125,000 which includes the following costs that would not be counted towards the 20% calculation –

\$7500
\$1200
\$8500 (not all of this would be used for calculations)
\$7500 (not all of this would be used for calculations)
<u>\$500</u>
\$39000 (not all of this would be used for calculations)
\$27000 (not all of this would be used for calculations)
\$15000 - \$20000 (not used but noted)

Sub-Total \$48200 (using a percentage of the noted items)

Therefore you would then have \$125,000 minus \$48200 for this non applicable related work and minus \$15000 for the lift giving you a number of \$41800. Based upon the estimate from the contractor \$44900 is being spent on accessibility compliance issues. Therefore 20 percent of \$42000 is \$8400 required to be spent on accessibility issues and \$44900 has been spent which is greater than the required 20%. Based upon these calculations a waiver shall be granted pursuant to section 553.512. This facility is an existing two story restaurant and all food and drink services are the same for each floor with the modification to the first floor toilet rooms to be fully accessible.

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

See response comments above.

- [X] The owner has made a **diligent investigation** into the costs of compliance with the code, but cannot find an efficient mode of compliance. Provide detailed cost estimates and, where appropriate, photographs. Cost estimates must include bids and quotes.
- 9. Provide documented cost estimates for each portion of the waiver request and identify any additional supporting data which may affect the cost estimates. For example, for vertical accessibility, the lowest documented cost of an elevator, ramp, lift or other method of providing vertical accessibility should be provided, documented by quotations or bids from at least two vendors or contractors.

- a. See attached letter from Access Lifts indicating that a lift would start at \$18,500 if it could be configured to work within the existing switchback stair.
- 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 technically infeasible due to the applicable requirements of 553.512 - 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. We concur with the reasoning as so stated under item 8.

ROMAN YURKIEWICZ

Signature

Printed Name

386-258-2261 OFFICE 386-

386-405-3152 CELL

Phone number:

(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.

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 project includes an extensive restaurant (assembly occupancy) remodel/renovation in an older downtown two story building requiring the owner to provide vertical accessibility due to tripping the threshold for compliance. A lift was to be provided at the time of permitting approval (as shown on attached plans). The builder & architect had difficulty in retrofitting a compliant lift for the main stairway which has two intermediate landings. The plans included with this application are the same plans submitted for building department review. If the 20% cost for providing accessibility is met, then we have no objection to granting the waiver requested by the applicant.

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] Yes [] No Cost of Construction: Valuation listed on permit is \$125,000

Comments/Recommendation: __Provide lift or show that the 20% disproportionate cost is met for upgrading accessibility features for the renovation.

Jurisdiction: City of Winter Park, Florida

Building Official or Designee

George J. Wiggins, CBO

Director of Building/Legislative Affairs

BU514

Certification Number

Telephone/FAX

407-599-3426/407-691-6513

Address: 401 S. Park Avenue, Winter Park, Fl 32789.





August 20, 2012

Marisol Williams, President Reel Builders, LLC

RE: Park Ave. Project

Marisol,

Confirming our conversation concerning my site visit; I don't see where you can reasonably attempt to add any kind of vertical transportation without major modification to the structure. The only real option would be to have the City allow you an easement extension to occupy a portion of the sidewalk on the North side of the building so that an elevator could be installed.

If for some reason the City allows and easement then the cost of an elevator would be \$38,000 excluding all construction costs of the hoistway, electrical including three phase power, and life safety.

I wish I could have found a workable alternative that would have resulted in a sale but no luck on this one. Please keep us in mind for any future projects requiring vertical transportation and vertical accessibility products.

Sincerely,

SCHINDLER ELELVATOR CORPORATION

Tim Newton



EXHIBIT A1



Estimate Summary Sheet

Division	Total LMES	Comments	SQFT
01 General Requirements	\$7,500.00	Supervision on Site Labor, Small Tools, Dumpsters, Material Misc, Engineering	\$0.86
01a Demo/Interior	\$0.00	N/A	
02 Site Work	\$0.00	N/A	\$0.00
03 Concrete	\$500.00	Floor Cuts and Pour/Pin Back	\$0.06
04 Masonry	\$1,200.00	Stucco Exterior	\$0.14
05 Metals	\$5,432.00	Framing	\$0.62
06 Wood and Plastics	\$8,500.00	Trim Carpentry	\$0.98
07 Thermal & Moisture Protection	\$1,200.00	Ceiling and Floor Insulation	\$0.14
08 Doors & Windows		Front Door, Glass Kitchen Window	\$0.75
09 Finishes	\$7,500.00	Painting, Glass Wall-Stairs	\$0.86
10 Specialties	\$5,900.00	Bathroom Partitions	\$0.68
11 Equipment	\$500.00		\$0.06
12 Furnishings	\$0.00	N/A	\$0.00
13 Special Construction	\$0.00	N/A	\$0.00
14 Conveying Systems	\$15,000.00	ADA Chair lift	\$1.72
15 Mechanical	\$39,000.00	Plumbing, HVAC, Fire Sprinklers, Extinhuishers	\$4.48
16 Electrical	\$27,000.00	Electrical, Lighting	\$3.10
	\$125,732		\$14.45
Profit and Overhead	\$12,573		\$1.45
Miscellaneous @	0		
Contingency @	0		
			\$15.00

\$15.90 \$15.90

Cost / SF

Average Cost per Square foot =

\$16



Reel Builders, LLC

ADA Galopin Costs

Date:

August 18, 2012

To:

Larry Schneider

Project:

Galopin

358 N. Park Avenue Winter Park, FL 32789

Description
ADA Improvement Costs Breakdown

\$ 5,722.64
\$ 10,088.25
\$ 11,185.75
\$ 500.00
\$ 1,371.40
\$ 12,574.50
\$ 3,500.00
\$ 44,942.54

Thank you!

Access Lifts And Elevators Inc.

Access Lifts and Elevators Inc.
Phone: 954 826-5438 Fax: 954-894-7707
8362 Pines Blvd #380
Pembroke Pines, Florida 33024



PROPOSAL

SUBMITTED TO:

Marisol Williams, MBA

President

Reel Builders, LLC t. 561-789-9374

Email: marisol@reelbuilders.net

REPARED BY:

Jim Jeschonek

Access Lifts and Elevators Mobile: 561-602-7506

Email: jim.jeschonek@gmail.com

PROJECT:

Galopin at 358 N. Park Avenue, Winter Park, FL

DATE:

8/20/2012

Hello Marisol

After talking to you, we really have eliminated a number of possibilities, I have attached various brochures and planning guides for you to review, please call or email me with any questions

- 1. Incline lift ADA Compliant: the width lost on the staircase is apx 12" your staircase is only 42" wide this would take the clear width down to 30" which I do not believe the fire marshal would accept
- Flow 2 stair case, there have been some instances where they have allowed this in place of a wheel chair lift or incline lift, the problem is it is not ADA compliant and not made for a commercial application
- 3. Wheel chair lift, requires a 3"pit, and a spot to get on and off both on the second floor and first floor, because it is ADA compliant you will need to keep a 5' turn around radius clear in front of the door both on the second floor and first floor, need also a 52"x57" space plus will need a shaft and or enclosure.

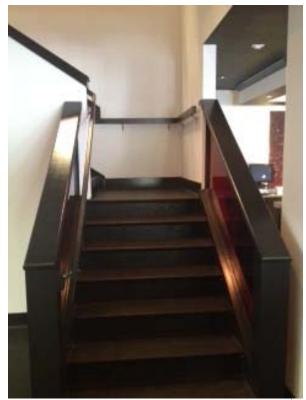
- 4. Elevator is ada compliant will need 14" pit 6'x7' space for unit and a separate 5'x5' room for the equipment. Again you will need the turnaround radius of 5' kept clear at both entrances
 - The biggest concern is you do not have the space on the stair case without making it wider for a ada lift, and these units must park on the first floor landing or second floor landing, the simplest solution is a stair lift which is not ADA compliant
- 5. In regards to our flow stairlift, as mentioned earlier it is not per say ADA complient and is made more for private home use. But a custom made unit such as the Flow 2 stairlift would normally start at a cost of \$18,500.00 The flow takes a minium of 15 weeks to produce once it is put into production,

Feel free to call me with any other questions or concerns Thank You

Access Lifts and Elevators Inc

Jim Jeschonek

Accessibilty Sales Executive



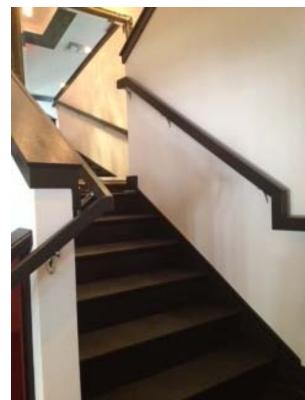


photo 1 8/20/2012 photo 2 8/20/2012

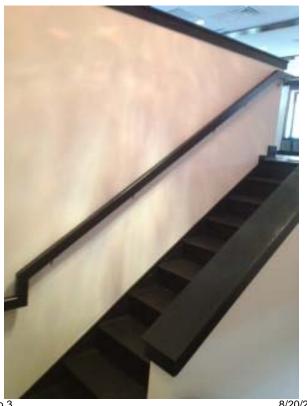
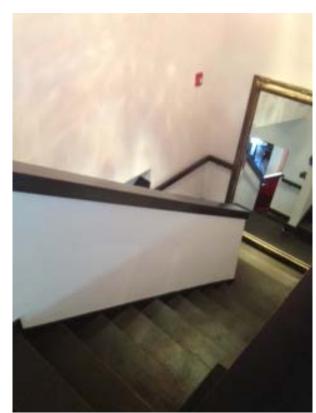




photo 3 8/20/2012 photo 4 8/20/2012



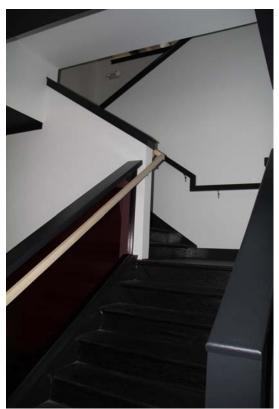
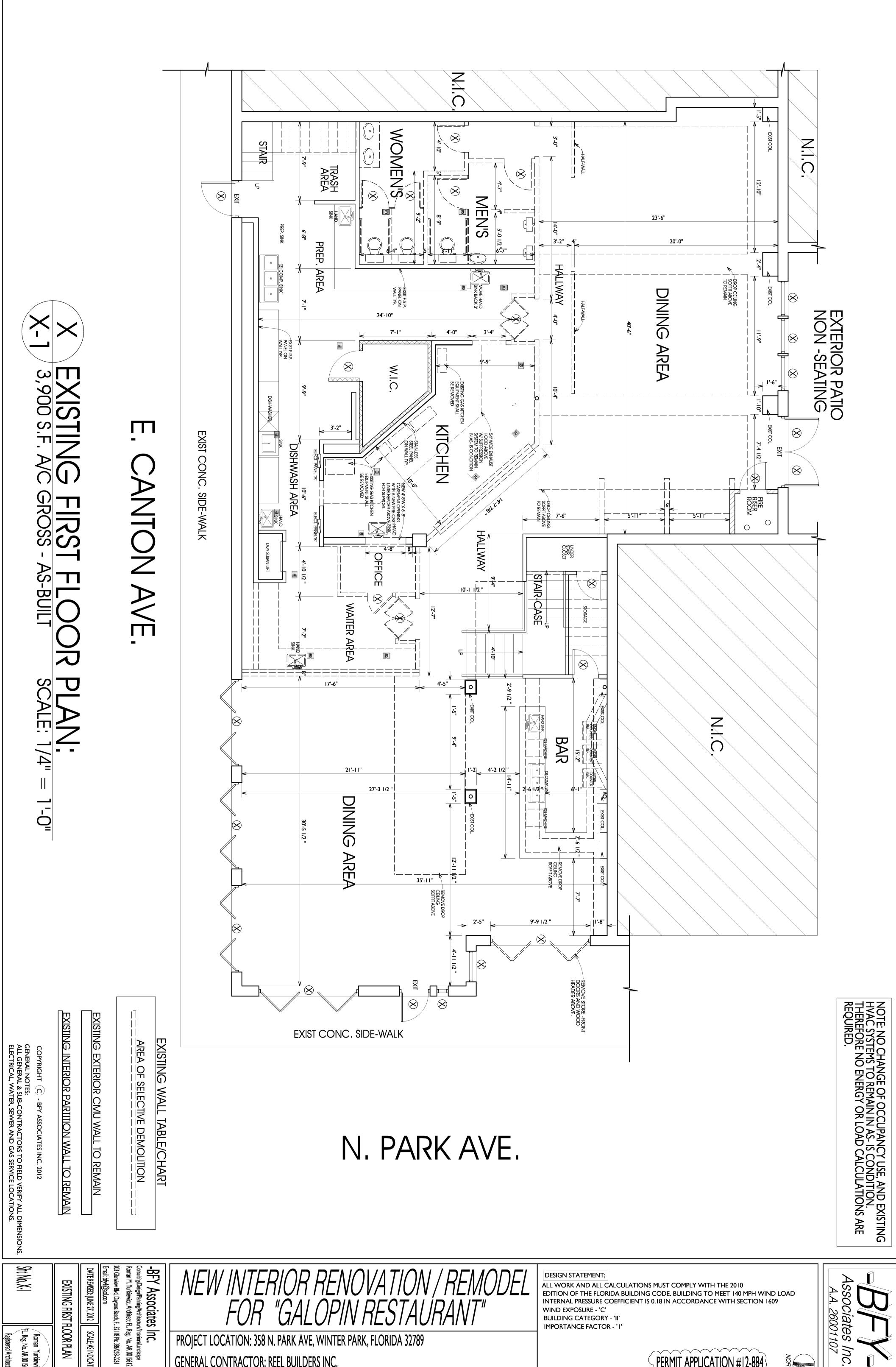


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Roman Yurkiewicz FL. Reg. No. AR 0015612

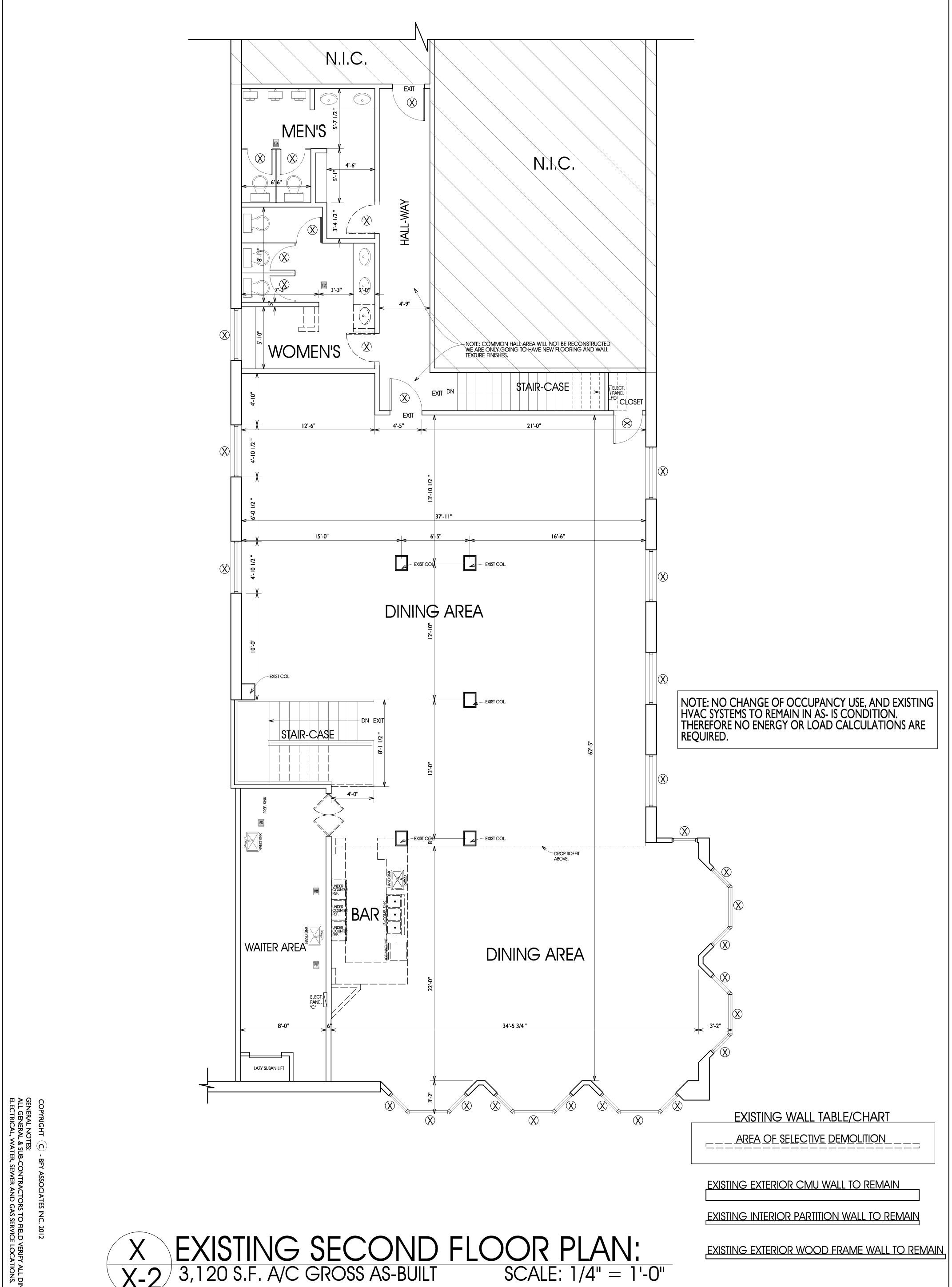
SCALE; AS INDICATED

PROJECT LOCATION: 358 N. PARK AVE, WINTER PARK, FLORIDA 32789

GENERAL CONTRACTOR: REEL BUILDERS INC.

BUILDING CATEGORY - 'II' IMPORTANCE FACTOR - 'I'

Associates 26001107



Sht No. -BFY Associates Inc. DATE REVISED: JUNE 27, 2012 EXISTING SECOND FLOOR PLAN \approx Roman Yurkiewicz FL. Reg. No. AR 0015612 SCALE; AS INDICATED

NEW INTERIOR RENOVATION / REMODEL FOR "GALOPIN RESTAURANT"

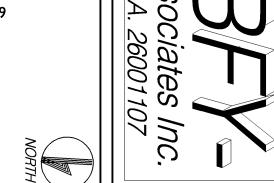
PROJECT LOCATION: 358 N. PARK AVE, WINTER PARK, FLORIDA 32789 GENERAL CONTRACTOR: REEL BUILDERS INC.

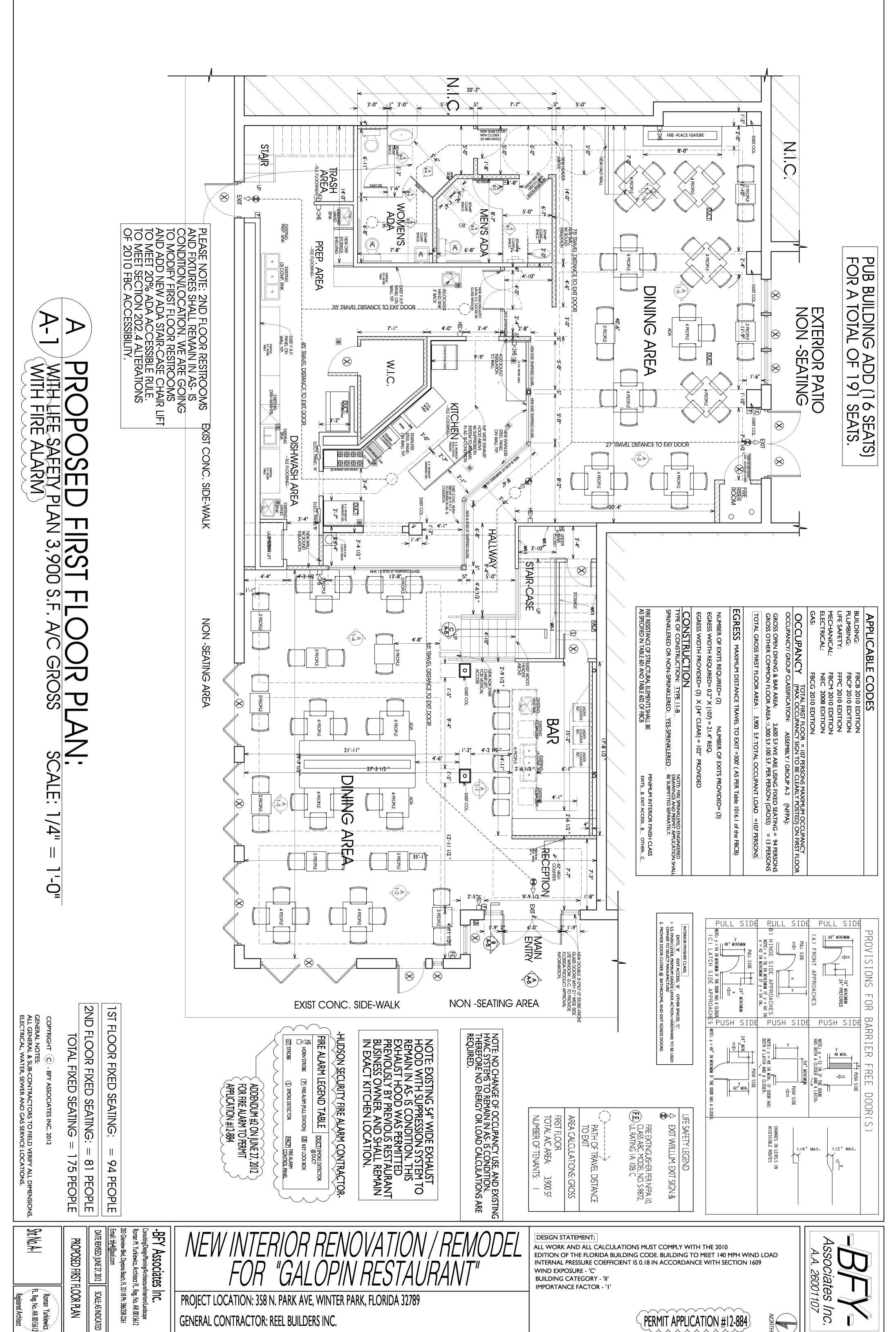
DESIGN STATEMENT;

BUILDING CATEGORY - 'II' IMPORTANCE FACTOR - 'I'

ALL WORK AND ALL CALCULATIONS MUST COMPLY WITH THE 2010 EDITION OF THE FLORIDA BUILDING CODE. BUILDING TO MEET 140 MPH WIND LOAD INTERNAL PRESSURE COEFFICIENT IS 0.18 IN ACCORDANCE WITH SECTION 1609 WIND EXPOSURE - 'C'

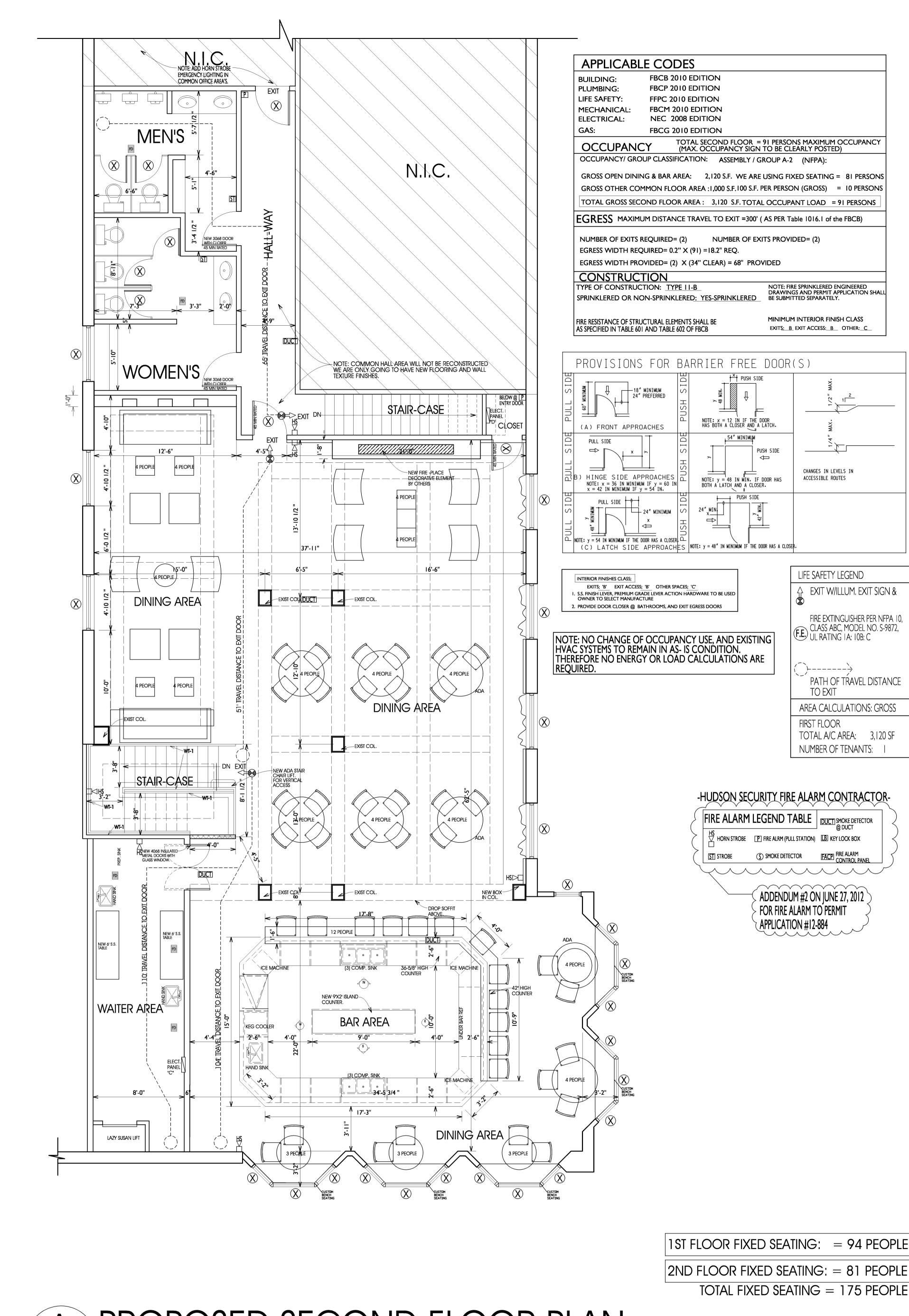






GENERAL CONTRACTOR: REEL BUILDERS INC.

Inc.



1ST FLOOR FIXED SEATING: = 94 PEOPLE

TOTAL FIXED SEATING = 175 PEOPLE



WITH LIFE SAFETY PLAN 3,120 S.F. A/C GROSS WITH FIRE ALARM

SCALE: 1/4" = 1'-0"

Sht No.

Roman Yurkiewicz FL Reg. No. AR 0015612

GENERAL NOTES: ALL GENERAL & SUB-CONTRACTORS TO FIELD VERIFY ALL DIMENSIONS, ELECTRICAL, WATER, SEWER AND GAS SERVICE LOCATIONS.

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-BFY Associates Inc. DATE REVISED: JUNE 27, 2012 Lonsulting/Design/Hanning/Architecture/Interiors/Landscape
Roman M. Yurkiewicz, Architect FL Reg. No. AR 0015612 PROPOSED SECOND FLOOR PLAN SCALE; AS INDICATED

NEW INTERIOR RENOVATION / REMODEL FOR "GALOPIN RESTAURANT"

PROJECT LOCATION: 358 N. PARK AVE, WINTER PARK, FLORIDA 32789 GENERAL CONTRACTOR: REEL BUILDERS INC.

DESIGN STATEMENT;

IMPORTANCE FACTOR - 'I'

ALL WORK AND ALL CALCULATIONS MUST COMPLY WITH THE 2010 EDITION OF THE FLORIDA BUILDING CODE. BUILDING TO MEET 140 MPH WIND LOAD INTERNAL PRESSURE COEFFICIENT IS 0.18 IN ACCORDANCE WITH SECTION 1609 WIND EXPOSURE - 'C' **BUILDING CATEGORY - 'II'**



