

**REQUEST FOR WAIVER FROM ACCESSIBILITY REQUIREMENTS  
OF CHAPTER 553, PART II, 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: CHRISTMAS, ETC., INC. & WILLIAM H. & HELEN A. LAUGHLIN

Address: 1201 ALLENDALE RD, WEST PALM BEACH, FL 33405

**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: WILLIAM H. LAUGHLIN

Applicant's Address: 1123 AVONDALE COURT, WEST PALM BEACH, FL 33409

Applicant's Telephone: 561-478-0430 FAX: 561-855-8721

Applicant's E-mail Address: SINEPSO @ AOL.COM

Relationship to Owner: CO-OWNER

Owner's/Tenant's Name: WILLIAM H. & HELEN A. LAUGHLIN

Owner's Address: 1123 AVONDALE COURT, WEST PALM BEACH, FL 33405

Owner's Telephone: 561-478-0430 FAX 561-855-8721

Owner's E-mail Address: SINEPSO @ AOL.COM

Signature of Owner: W. H. Laughlin

**3. Please check one of the following:**

☐ New construction.  
FBC 2012-01  
Request for Waiver

Rule 61G20-4.001  
effective 4/25/2013

1: Christmas, Etc., Inc. and William H. & Helen A. Laughlin are requesting a time-delay waiver for three years for the implementation of a vertical lift installation for our mezzanine access at 1201 Allendale Rd., West Palm Beach, Florida, under Section 553.509, Florida Statutes.

**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.

☒ Substantial financial costs will be incurred by the owner if the waiver is denied. We feel that without access by our customers for our 2013, 2014 and 2015 Christmas seasons to our mezzanine floor which contains our extensive porcelain Department 56 Village collections, our overall retail sales income will be significantly reduced, so as to probably never allow us to accumulate the capital to be able install the required vertical lift. We are only asking for a time delay; not for an absolution of the requirement itself.

☒ 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.

We are submitting copies of two current vertical lift bids that will comply with the ADA and the City of West Palm Beach fire and building department codes. Our **due diligent investigation** has given us two quotes that are close, so we have assumed their authenticities, as we submit them to you the Accessibility Advisory Council for your perusal. Our **mode of compliance** will be the granting of the time delay for approximately three years, until May 31, 2016.



☐ 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.)

Rectangular cement block stucco building with a metal bar joist supported roof of 3400 sq. ft. first floor, plus a mezzanine floor of 1100 sq. ft. Originally the building was planned for three tenants, but our Christmas business has expanded to the entire building space. We operate a retail and wholesale Christmas merchandise business which includes internet sales, and product storage for some of our customers, for whom we do custom home decorating.

**5. Project Construction Cost (Provide cost for new construction, the addition, or the alteration):** The two vertical lift bids are \$18,980 [ Action Accessibility of Lake Worth, Florida ]

and \$21,500 [ Florida Lifts LLC of Boynton Beach, Florida ]. The two detailed bids are part of this submitted application. Both estimates do not include permits, any additional architectural drawings from us, the purchaser, or any additional construction products and labor with which to adapt the lift to our mezzanine floor.

**6. Project Status:** Please check the phase or 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.

Mr. Jim Witmer, a nice building official for the City of West Palm Beach understood our financial plight, and he suggested that we might try to contact your Accessibility Advisory Council to possibly seek a delay in the implementation of the ADA rules as they applied to our small mezzanine floor at our building at 1201 Allendale Rd., WPB, FL. Because of our current business financial situation due to the poor retail economy here in South Florida for 2012 and 2013, we are seeking from your Accessibility Advisory Council a permitted three-year reprieve for the time to comply with the ADA rules of vertical lift accessibilities. Christmas, Etc. is presently totally operating as a retail and wholesale Christmas merchandise store. Our building renovation/remodeling permit was completed October 12, 2012, however we are not permitted to use the designated mezzanine space as showroom activity for our retail/wholesale customers until we have a vertical lift installed to satisfy the ADA rules. [Please read the accompanying letter for a better understanding of our request from you all at the Accessibility Advisory Council.]

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.

- ACCOMPANYING THIS APPLICATION FOR A WAIVER, PLEASE FIND TWO (2) COMPLETED
- a. - ESTIMATES BY TWO PALM BEACH COUNTY VERTICAL LIFT SUPPLY COMPANIES FOR THE —  
— INSTALLATION OF A PROPER VERTICAL LIFT PACKAGE, MEETING THE ADA, AND THE —  
— CITY OF WEST PALM BEACH FIRE AND BUILDING CODE REQUIREMENTS, except for the —  
b. - additional fact that both estimates do not include permits, any additional architectural —  
— drawings from us, the purchaser, or any additional construction products and labor with —  
— which to adapt the lift to our mezzanine floor.

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

10. **Licensed Design Professional:** Where a licensed design 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.

\_\_\_\_\_  
Signature

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

\_\_\_\_\_  
Phone number

(SEAL)

**CERTIFICATION OF APPLICANT:**

I hereby declare 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 28 day of AUGUST, 20 13

W. H. Laughlin

Signature

WILLIAM H. LAUGHLIN

Printed Name

I understand that if I falsify, misrepresent, or omit any material information on this document, the Commission may revoke any order and will notify the building official of the permitting jurisdiction.

KNOWINGLY MAKING A FALSE STATEMENT IN WRITING WITH THE INTENT TO MISLEAD A PUBLIC SERVANT IN THE PERFORMANCE OF HIS OFFICIAL DUTY IS A MISDEAMEANOR OF THE SECOND DEGREE PURSUANT TO SECTION 837.06 F.S. AND SECTION 775.083, F.S.



CHRISTMAS, ETC., INC.  
1201 Allendale Rd.  
West Palm Beach, FL 33405  
Store phone: 561-805-7000  
Store fax: 561-8057011  
Home/office address:  
1123 Avondale Ct.  
West Palm Beach, FL 33409  
Home office: 561-478-0430  
Home fax: 561-855-8721  
Email: [sinepso@aof.com](mailto:sinepso@aof.com)

August 27, 2013

State of Florida  
Dept. of Business & Professional Regulation  
Florida Building Commission  
Mary-Kathryn Smith  
1940 N. Monroe St.  
Tallahassee, FL 32399-0772  
850-487-1824 or  
850-717-1826

Re: Accessibility Waiver Form for Vertical Lift

Dear Ms. Smith:

Please find enclosed two estimates for an accessibility elevator lift from:

- 1) Action Accessibility of Lake Worth, Florida dated October 22, 2012 and updated July 29, 2013. Their estimate is \$18,980 [see enclosed].
- 2) Florida Lifts LLC of Boynton Beach, Florida dated August 14, 2013. Their estimate is \$21,500 [see enclosed].

Both estimates do not include permits, any additional architectural drawings from us, the purchaser, or any additional construction products and labor with which to adapt the lift to our mezzanine floor. We realize that by asking your Florida Building Commission Board for an **accessibility time waiver** we risk the probable increase in the eventual cost for this project.

With an email from your office to us [see enclosed] on Oct. 18, 2012, Ms. Smith, you graciously and promptly responded to our inquiry of your office as to the procedures to apply for a hardship consideration with regard to a three year date extension for the complete compliance for the rules and regulations of the ADA and the City of West Palm Beach's Fire and Building codes as they relate to mezzanine floor handicap vertical lift requirements. The reason for the time delay in our search for this elevator lift project since last October 2012 was because we

had hoped for a financially good 2012 Christmas season and a sufficient cash flow for the first seven months of 2013 so that we could pay for this lift project at one time. [I do realize that your department has been rearranged but I think that I am correct in understanding that you still wear the same hat, only now in a redefined department.]

Unfortunately sales were down 80% for Oct. 2012 [as compared to Oct. 2010 sales], down 63% for Nov. 2012 [as compared to Nov. 2010 sales] and down 50% for Dec. 2012 [as compared to Dec. 2010 sales]. We were forced by the City of West Palm Beach to relocate our retail Christmas business August 2011 until February 2012 to another retail site until we complied with certain new fire and building codes with regard to our mandated demolition and reconfiguration of our second floor to a reduced square foot mezzanine. Our move for the 2011 retail Christmas season turned out to be a financial hardship, while we were complying with the reconstruction/renovation dictums of the City of West Palm Beach Fire and Building Departments.

Although sales from that temporary 2011 retail Christmas site from Aug. 2011 to Feb. 2012 were higher as compared to those same three months [Oct., Nov., Dec. of 2010], rental costs were tripled and labor costs doubled. Plus we had to maintain our insurance, taxes and mortgage payments on our closed Allendale Rd. store. We actually lost money [over \$45,000] for that five month period at City Place in West Palm Beach. Thus I did not use the 2011 sales figures in my above explanation of our declining sales figures to show your department about our declining financial health.

I mention these sales figures so that we can describe our unhealthy financial picture at present. Our retail sales for March 2013 were \$1,032, for April 2013 were \$493, for May 2013 [\$989] for June 2013 [\$1,436] and July 2013 [\$591]. When we moved back to our original store location at 1201 Allendale Rd., WPB on Feb. 10, 2012 we did not reopen for business until Oct. 11, 2012. We had no Christmas retail income for 8 ½ months from Feb. 2012 until Oct. 2012. We had contemplated more than once in the last three years to just shut our doors for good. However, Jim Witmer, CBO of the Construction Services Dept. [Plans Examiner] for the City of WPB had sympathy for our financial predicament. Mr. Witmer suggested that we contact your Dept. of Community Affairs [Code & Standards Section] to inquire about a possible temporary time reprieve for the installation of this vertical lift.

The entire mezzanine floor is totally passable for employees and our first floor is used by our customers [see enclosed photos]. The mezzanine meets all current floor loads, and all other fire and building codes of the City of West Palm Beach, BUT we are not allowed to permit customers to visit our mezzanine sales displays UNTIL we have installed in place this vertical lift. We do want to comply with the City's dictums, but Christmas, Etc. is asking your Dept. of Community Affairs for a time extension in which to comply. Otherwise, we believe the potential decrease in retail sales from denying access to our second floor mezzanine to our customers for the viewing of the Dept. 56 Village Series displays and trains will definitely result in a financial situation where we may never be able to accumulate the funds to have this lift installed.



We have met with all of the current fire and building codes of the City of West Palm Beach as of Oct. 11, 2012. However, we are to only allow employees up the stairs to our approved "mezzanine", UNTIL we have in place an access for handicap customers. We wish to comply with all handicap codes. Currently any handicapped customer has full access to our first floor sales displays [see enclosed photos]. All aisle ways are 44 inches or wider. After two more Christmas seasons [2013 & 2014] we project that we will have the funds to have installed the lift in the Spring of 2015, but no later than by May 31, 2016. Christmas, Etc. is a smallish family-operated Christmas store. We are not asking for a permanent waiver from your Board with regard to compliance for the ADA and the vertical lift installation requirements for our partial mezzanine floor [but that would be nice]. We wish to ask your department for a hardship time delay of three years for Christmas, Etc. to accrue the dollars to complete this handicap lift installation, where we can, in the interim, be permitted to allow the public to visit our mezzanine Village and train displays.

I have included two sets of a page of the building floor plan showing the proposed location of the vertical lift. I did not know if photos of our store would help to give you a sense of what we are all about as a retail Christmas store, but I decided to include them. Look for a small descriptions on the back of the photos. As you can see, our remake of all of the Village scenes and trains is still a work in progress. In August and September of 2011 in order to make our four mile 2011 temporary move to City Place, my son had to totally dismantle our former second floor of most of the train and Village displays. He has been, and is still now cutting new Styrofoam for his tunnels and cliffs. He is having to re-construct what took him thousands of man hours and years to originally build. Currently our mezzanine aisle ways are our work ways, since the public is not allowed upstairs.

We will hope and wish for the granting of an accessibility waiver by your Accessibility Advisory Council for the vertical lift for three years, so that in the interim we can allow our customers to visit our newly constructed porcelain Dept. 56 Village displays. If you need any additional floor plans, documents or photos please call me, email me or fax me.

Sincerely,

William H. Laughlin  
Secretary  
Christmas, Etc., Inc.