#### MATRIX EMPLOYEE LEASING, INC.

Issue: Vertical accessibility to the second floor of an office building.

Analysis: The applicant is requesting a waiver from providing vertical accessibility to the second floor of an existing 14,845 square foot office building undergoing a \$57,944 alteration. According to the applicant \$26,978 will be spent on making the building accessible. The business recently employed a wheelchair user, who had difficulty using the kitchen/break room. As a result the owner modified the scope of the project to make that area fully accessible. According to the applicant, providing a lift to the second level would be disproportionate to the cost of construction although a conference provided on the second level is not replicated on the first floor.

Project Progress: The project is under construction.

Items to be Waived:

Vertical accessibility to the second floor, 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:
  - (1) 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: Matrix Employee Leasing, Inc.
Address:9016 Philips Hwy., Jacksonville, FL 32256
2. Name of Applicant. If other than the owner, please indicate relationship of applicant to owner and written authorization by owner in space provided:
The Owner is the Applicant.
Owner's Name: Matrix Employee Leasing, Inc.
Owner's Address: 9016 Philips Hwy., Jacksonville, FL 32256
Owner's Telephone:(904) 739-2722
Owner's E-mail Address: bpincket@matrixpeo.com
Signature of Owner:
Contact Person: Brian Pincket
Contact Person's Telephone: (904) 739-2722 E-mail Address: bpincket@matrixpeo.com
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 building is a two story building consisting of approximately 14,845 square feet. The building is used for general office use. The building was originally constructed in 1985.

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

Prior to the purchase of the building by the current owner in 2004, the property and building were used for light industrial purposes and offices related to that business. The building was in dire need of cosmetic renovations. The alterations being made by the current owner consist primarily of new paint, flooring, ceiling tiles, lighting, enlarging a few offices (moving a few internal non-load bearing walls), new doors, and renovating the kitchen-break area on the first floor.

Although the original planned alterations to the building would have cost \$98,000, due to current economic conditions negatively affecting the Owner's business and the recent experience with a wheelchair-bound employee, the Owner decided to (i) significantly limit the original planned alterations and (ii) put some of the savings generated by the alteration cutbacks into making the kitchen-break area ADA compliant, something the Owner was not required to do based on the original plans. Although the Owner previously planned to enlarge the kitchen-break area, upon seeing a wheelchair bound employee have some difficulty using the kitchen-break area, the Owner decided to make more extensive renovations to the kitchen-break area to ensure that the entire kitchen-break area is ADA compliant.

The total cost of the alterations will be \$57,944.00 (See attachment from SNC regarding Project Construction Cost). Of that amount, even before considering the cost of complying with the vertical accessibility requirement, \$26,978.64 will be spent on alterations to make the building ADA compliant (See attachment regarding "Cost of ADA changes").

6. <b>Project Status:</b> Please check the phase of construction	n that bes	t describes	your	project	at the
time of this application. Describe status.			•		
**					
[ ] Under Design [X] Under Construction*					

[] In Plan Review [] Completed\*

The Owner believed it was entitled to the waiver of the vertical accessibility requirement based on Section 553.512(1), Florida Statutes, because requiring the owner to provide vertical accessibility based on the limited alterations the owner is making to the 22 year old building would be unreasonable and would constitute an extreme hardship. The City of Jacksonville did

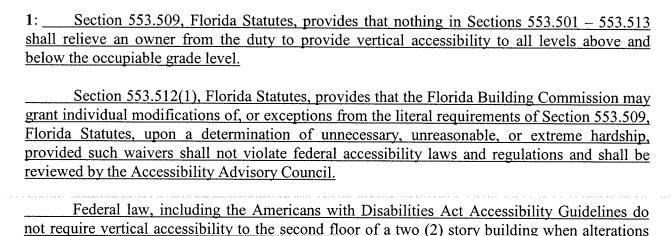
<sup>\*</sup> Briefly explain why the request has now been referred to the Commission.

not believe it had the authority to grant the waiver of the vertical accessibility requirement. The Owner has expended and will continue to expend a great amount of money to meet and exceed all other accessibility requirements under Federal and Florida law. Because the cost of the accessibility requirements the Owner has made and will make to its building (even without the cost of providing vertical accessibility) will exceed 20% of the cost of the building alterations, the Owner believes it is appropriate for the Accessibility Advisory Council to recommend to the Commission and for the Commission to grant the Owner's request to waive the vertical accessibility requirement.

The Owner wants to note that it recently hired a wheelchair bound person who worked in a one-story building located on the property. The owner saw that that employee used the kitchen-break room with some difficulty because the 22 year old room was not ADA compliant. The Owner then decided to renovate the kitchen-break room to make it fully ADA complaint.

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

#### Issue



A waiver is appropriate in this matter because the vertical accessibility requirement, as applied to this matter, is unnecessary, unreasonable, and would constitute an extreme hardship.

of the type being made by the Owner are made to a building.

- 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.

(SEAL)
Phone number
Signature Printed Name
<u>N/A</u>
project, his or her comments <b>MUST</b> be included and certified by signature and affixing of his her professional seal. The comments must include the reason(s) why the waiver is necessary.
10. Licensed Design Professional: Where a licensed design professional has designed
See construction estimate attachments to this Request from Sport Nobles Construction. Inc. and Extreme Production Construction, Inc.
9. Provide documented cost estimates for each portion of the waiver request and ident any additional supporting data which may affect the cost estimates. For example, vertical accessibility, the lowest documented cost of an elevator, ramp, lift or other method providing vertical accessibility should be provided, documented by quotations or bids from least two vendors or contractors.
See construction estimate attachments to this Request from Sport Nobles Construction. Inc. and Extreme Production Construction, Inc.
[X] The owner has made a <b>diligent investigation</b> into the costs of compliance with the code, a cannot find an efficient mode of compliance. Provide detailed cost estimates and, who appropriate, photographs. Cost estimates must include bids and quotes.
The total cost of the alterations to the building will be \$57,944.00. Of that amount approximately \$26,978.64 will be or has been spent on alterations to make the building compliant with the disability act guidelines. Because the cost of alterations that comply with disability guidelines exceeds 20% of the total cost of the renovations, even without comply with the vertical accessibility requirement, the Owner believes it meets the requirements for vertical accessibility waiver.
The Owner has expended and will continue to expend a great amount of money to mand exceed all other accessibility requirements under Federal and Florida law. The cost of accessibility requirements the Owner has made and will make in the process of altering building will exceed 20% of the cost of the building alterations.
[X] Substantial financial costs will be incurred by the owner if the waiver is denied.

#### **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 \_\_\_\_\_\_ day of November 2007.

Applicant:

Matrix Employee Leasing, Inc.

By:

Signature

Brian G. Pincket

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.

October 15, 2007

Project:

Matrix Employee Leasing

9016 Phillips Hwy. Jacksonville, FL 32256

#### Type of Facility:

- square footage- 14,848.8
- number of floors 2
- Occupancy group B Business
- Type of construction type II B
- Classification of work alteration -level II
- Sprinklered no
- Number of stories 2

#### Project construction cost:

- Original contract price \$98,000.00
- Adjusted contract price \$57,944.00
- All alterations were reduced to 2216.4 sf
  - 1. No electrical labor was completed for 2216.4 sf (\$11,082.00)
  - 2. No ceiling was completed for 2216.4 sf (\$9,418.00)
  - 3. No flooring was completed for 2216.4 sf (\$7,756.00)
  - 4. No lighting materials purchased for 2216.4 sf (\$11,800.00)

October 31, 2007

Project:

Matrix Employee Leasing

9016 Phillips Hwy. Jacksonville, FL 32256

Re: Cost of ADA changes

- 1) 9 interior doors were widened to 3.0
  - a) Doors \$2,700.00
  - b) Labor to demo and install doors \$1,120.00
  - c) Trim for doors \$320.65
  - d) Paint \$410.00
  - e) 9 door handles (ADA compliant) \$31.95 each = \$287.55
  - f) Labor to install door handles \$37.50 each = \$337.50
- 2) Complete renovation of kitchen to meet ADA compliance
  - a) Kitchen cabinets \$5,000.00
  - b) Countertops \$2,085.00
  - c) Plumbing Labor \$1,700.00
  - d) Plumbing materials (new sink, faucet with ADA protection) \$487.50
- 3) Flooring
  - a) New tile 448 sf x \$4.25 per foot = \$1,904.00
  - b) Labor to install \$3.50 sf x 448 = \$1,568.00
- 4) Trash
  - a) 2 dumpsters \$650.00
- Drywall
  - a) Demo, hang and finish \$2,212.00
  - b) Paint \$1,700.00

The total ADA upgrades for this project is \$22,482.20 + contractor fee 20% =\$4,496.44

Total = \$26,978.64

## Extreme Production Construction Inc.

108 Sorrel Street Middleburg, F1, 32068

904-838-7283 904-291-8251 fax

#### **Construction Estimate**

Date: 9-4-07

Estimate # 32072

Matrix Employee Leasing

9016 Phillips Highway

Jacksonville, Fl 32256

This estimate is for providing a chair left for a two story building at 9016 Phillips hwy.

- Demolition; cut and remove floor at location provided on plans. Also remove seconded story floor.
- 2. Foundation; provide all necessary materials that engineering has provided on plans such as concrete, dowel rods,
- 3. Structural framing; all framing to consist of metal studs.
- 4. Doors; doors are being provided for the access to the chair lift.
- 5. Drywall; gypsum wallboard will be used to enclose the chair left shaft.
- 6. Painting; all painting to match existing paint or i.e.
- 7. Electrical; to be provided by a licensed electron.
- 8. Trust chair t left;
- 9. Project Management;
- 10. Site supervision;

### Extreme Production Construction Inc.

108 Sorrel Street Middleburg, Ft. 32068

Subtotal

904-838-7283 904-291-8251 fax

Subtotal	\$38,662.70		
Contractor's fee	<u>7,732.54</u>		
Estimate total	\$46,395.24		
	<b>Andrews</b>		
_ Delice	Tylen		
Signature	•	Date	
Mike Stephenson			
President			
Extreme Production	Construction Inc.		
Signature		Date	
Printed		Phone	
Signature		Date	
Printed		Phone	

P.O. Box 1203 Middleburg, FL 32050 904.282.8974 904.282.8950 (f)

www.sportnobles.com CBC 1253798

### **Construction Estimate**

Date:

9/6/2007

Estimate #: 071002

Project

Complete installation of Trust T

chair lift system

Owner
Matrix Employee Leasing

9016 Phillips Hwy
Jacksonville, FL 32256

Date of Estimate: Estimate valid until:

9/6/2007

11/6/2007

Division	1 General Requirements	\$2,226.00
01-01	Plans	
01-02	Permit	
	Obtain Building Permit for improvements and insure all work performed meets building code requirements and passes all inspections required by local and state officials.	
01-200	Waste	
	Will provide roll off container that will be placed on site for removal of all job demo and debris	
01-100	Facilities	
	Provide portable toilet for use by construction worker.	
01-05.1	Property protection	
01-05	Project management	\$336.00
	Schedule tasks, coordinate delivery and installation, order materials, purchase labor and material, pay vendors and subcontractors, send and file notices, process draw requisitions, account for all job cost, and facilitate job momentum.	
01-05.2	Site Supervision	\$1,890.00
	Protect owners property, arrange for delivery and storage of all materials, require all subcontractors to have adequate supervision, ensure safety of work performed on site	
01-07	Engineering	
	Have owners plan reviewed and stamped by registered FI engineer.	

2 Site Work	\$3,280.00
Clean up	
Landscaping Materials	
Demolition	\$3,280.00
Cut stab, remove debns, scatfolding system, demo 2nd floor wall Excavation	
Shoring	
Site Drainage	
Driveway	
	Landscaping Materials  Demolition Cut slab, remove debris, scaffolding system, demo 2nd floor wall Excavation  Shoring  Site Drainage

Division	3 Concrete	\$1,680.00
03-01	Foundation	\$1,680.00
	4 yds concrete, dow rods epoxy into existing footer, pour small ramp to receive lift	
03-03	Footers	
03-120	Foundation repair	
03-279	Concrete patio	

Division	4 Masonry
04-018	Unit Masonry Brick/Block
04-03	Masonry Mortar
04-094	Masonry Concrete
04-200	Block foundation

5 Metals	\$2,700.00
Structural Metal Framing	\$2,700.00
Metal tie down	
	Structural Metal Framing

Division	6 Woods and Plastics
06-01	Rough Carpentry
06-02	Cornice & Exterior trim
06-03	Siding
06-04	Lumber
06-096	Framing Package
09-097	Trim Package
06-104	Finish Carpentry
06-105	Cabinets & Vanities
06-115	Counter tops
06-04	Interior Doors

on 7 Elements Protection	
Insulation	
Shingles & Roofing tiles	Į.
Flashing & Sheet Metal	
	Insulation Shingles & Roofing tiles

Doors and Windows	\$1,132.92
Windows and Doors	
Exterior Doors	
Interior Doors	\$516.42 \$616.50
Arrest annual an	Windows and Doors  Exterior Doors

Division 9 Finishes		\$3,800.00
09-082	Gypsum Wallboard cover shaft and all drywall patching on second floor to enclose lift *Per Florida building code any lift over 5 ft is required to be enclosed	\$2,650.00
09-141	Acoustical Treatment	
09-169	Painting	\$1,150.00

Division	10 Specialties	\$13,675.00
10-001	Electrical	\$2,725.00
	Install Trust T chair lift	
10-001	Cost of Trust T chair lift	\$10,950.00

Division	16 Electrical		\$3,725.00
16-200	Electrical Power		\$3,725.00
	Install sub panel with disconnect / adaptable for battery backup		
	Subtot	F	\$32,218.92
	Contractor's Fe	<b>9</b> 15%	\$4,832.84
	Estimate Total	ľ	\$37,051,76

Sp	ort Nobles Construction, Inc	•
Signature	Date	
Sport Nobles	_	
President, Sport Nobles Construction		

	Owner(s)	
Signature	Signature	Date
Printed	Printed	Date
Address	Telephones	
	Daytime Phone:	
	Evening Phone:	
	Cell Phone:	

#### Home modification for independent living



6419 Jack Wright Island Rd St. Augustine, FI 32092 Florida License CG C061705 904-522-1144 (Cell) 904-868-4319

October 16, 2007

To Sport Nobles Construction

Fax: 904-282-8950

From Allen Benson

Shoreline Building & Const, Inc, albenson@bellsouth.net

Fax 904-522-1344

Regarding: TrustT Chair Lift.

Mr Nobles:

Per your request, this is a proposal to provide a TrustT Commercial lift from RAM Manfacturing.

The General Specifications are:

Lifting height 144 inches
Deck length 54 Inches
Deck Width 34 inches
Tower Height 166 inches
Capacity 550 pounds

Lift Speed 8 Feet/minute

This quote includes a battery backup, interlocks for the upper and lower doors and delivery to your job site

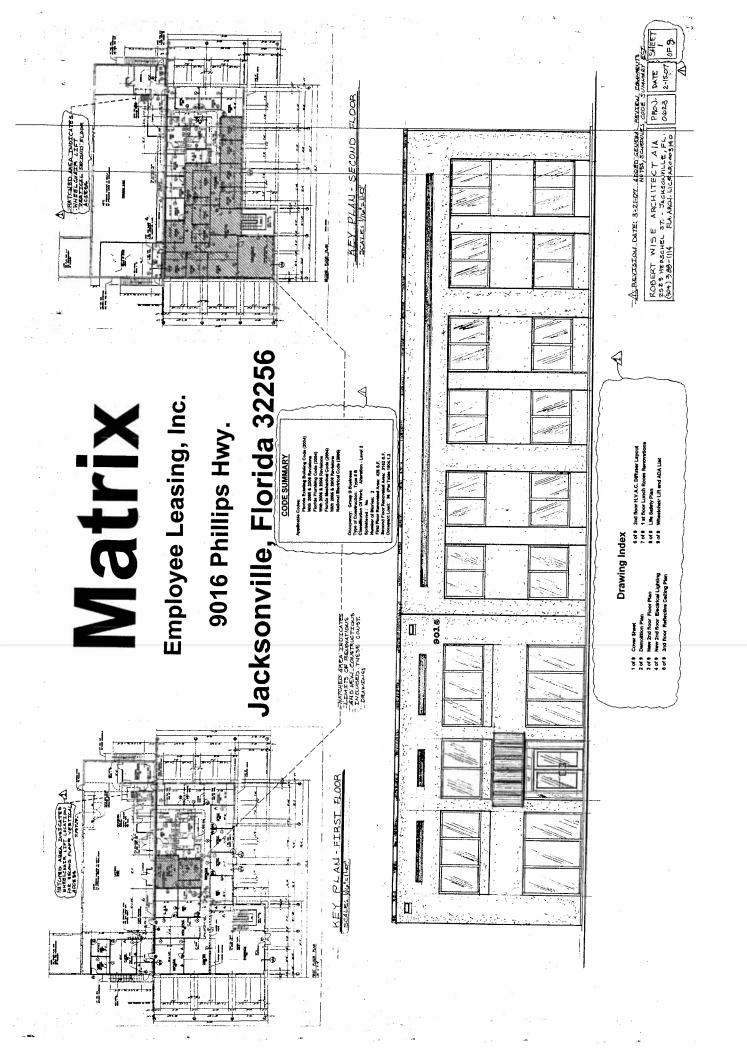
Not included in this quote is site construction. These requirements include, but are not limited to: Shaft enclosing the lift (required for lifts over 5 feet), foundation for the lift, electrical requirements for powering the lift, doors at the upper and lower stations (on which the interlocks will be installed).

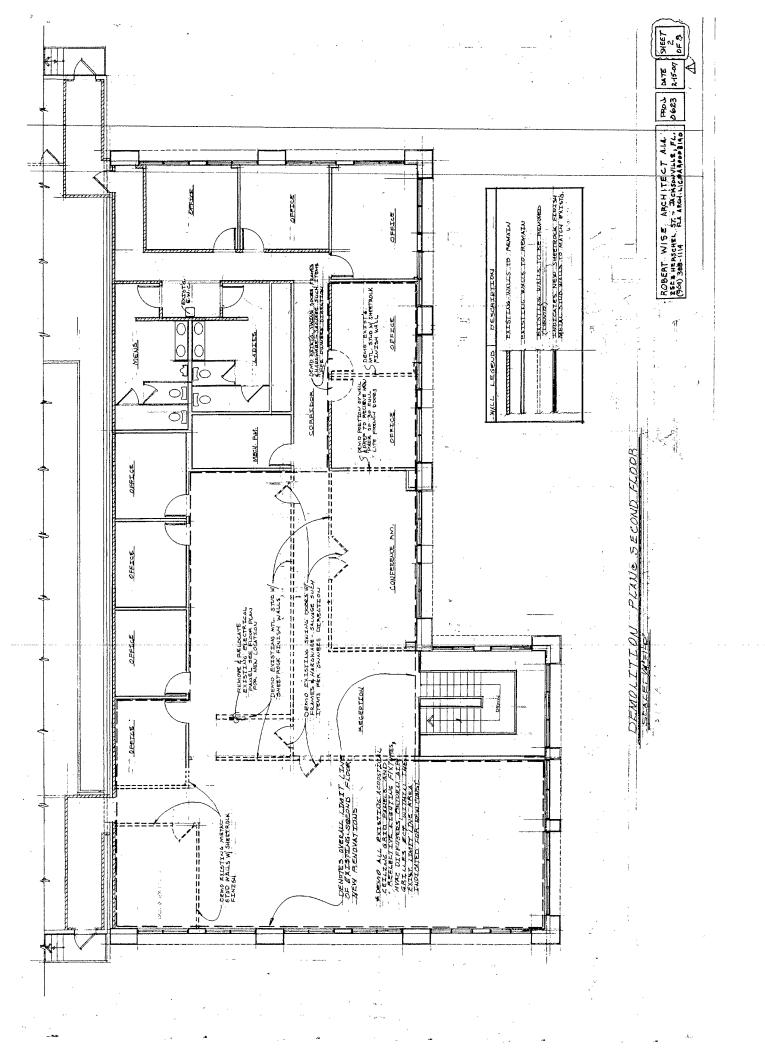
Cost of this unit delivered to your site is \$10,950.

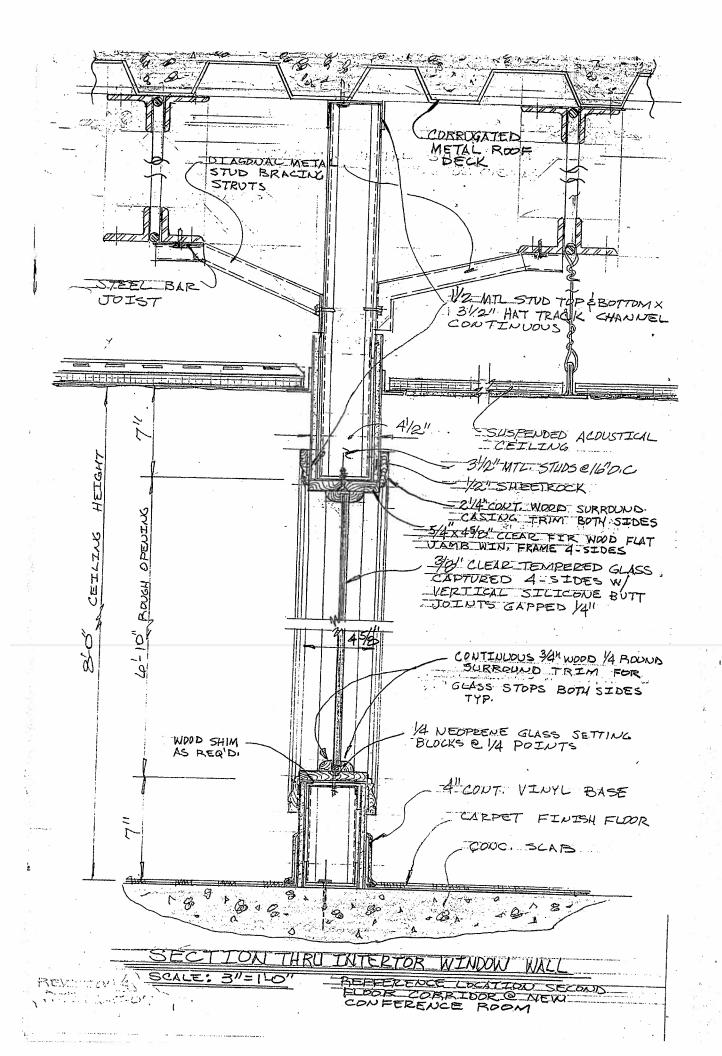
Manufacture and delivery takes 3 to 5 weeks from your authorization

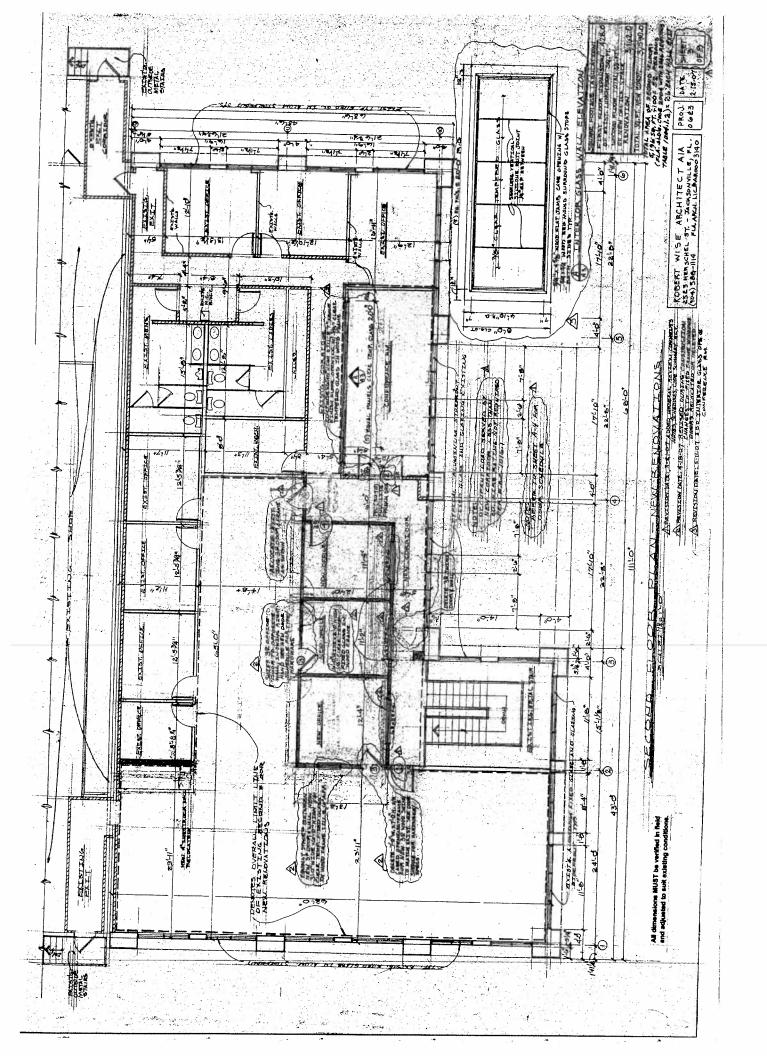
Allen Benson

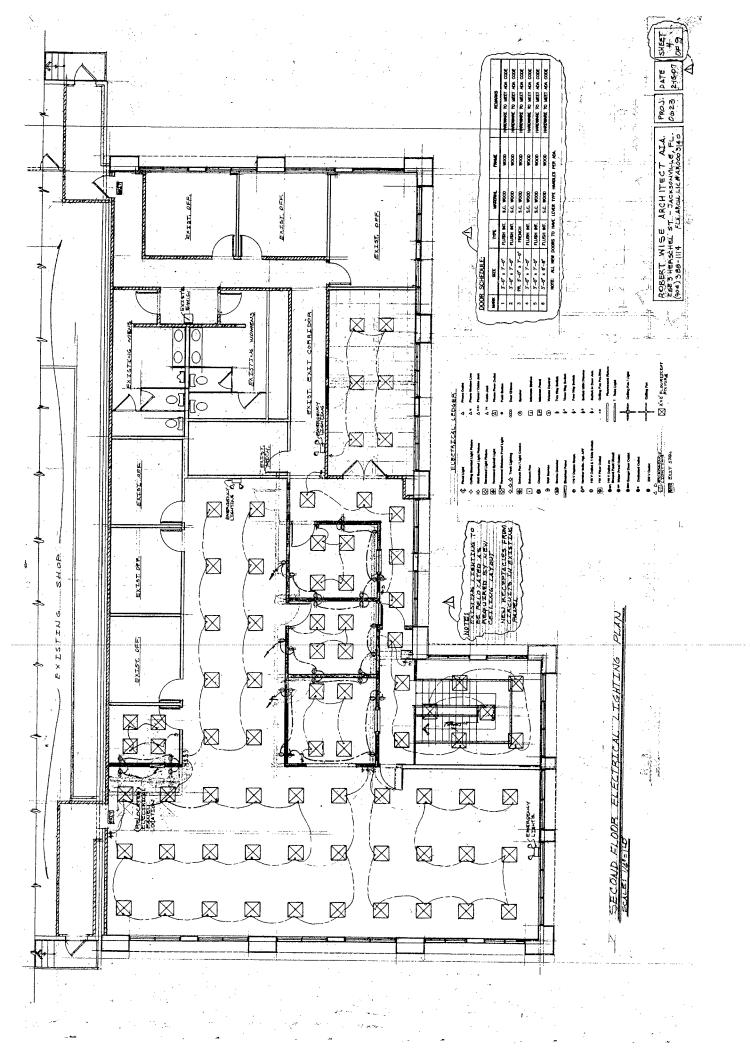
Shoreline Building & Const, Inc.

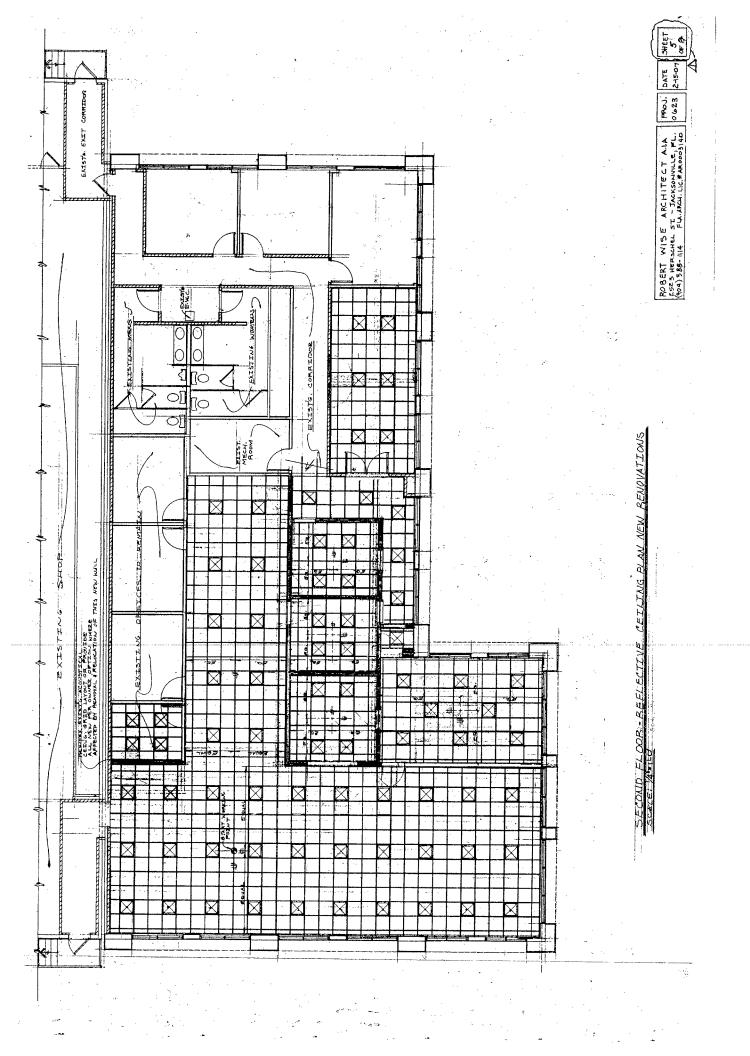


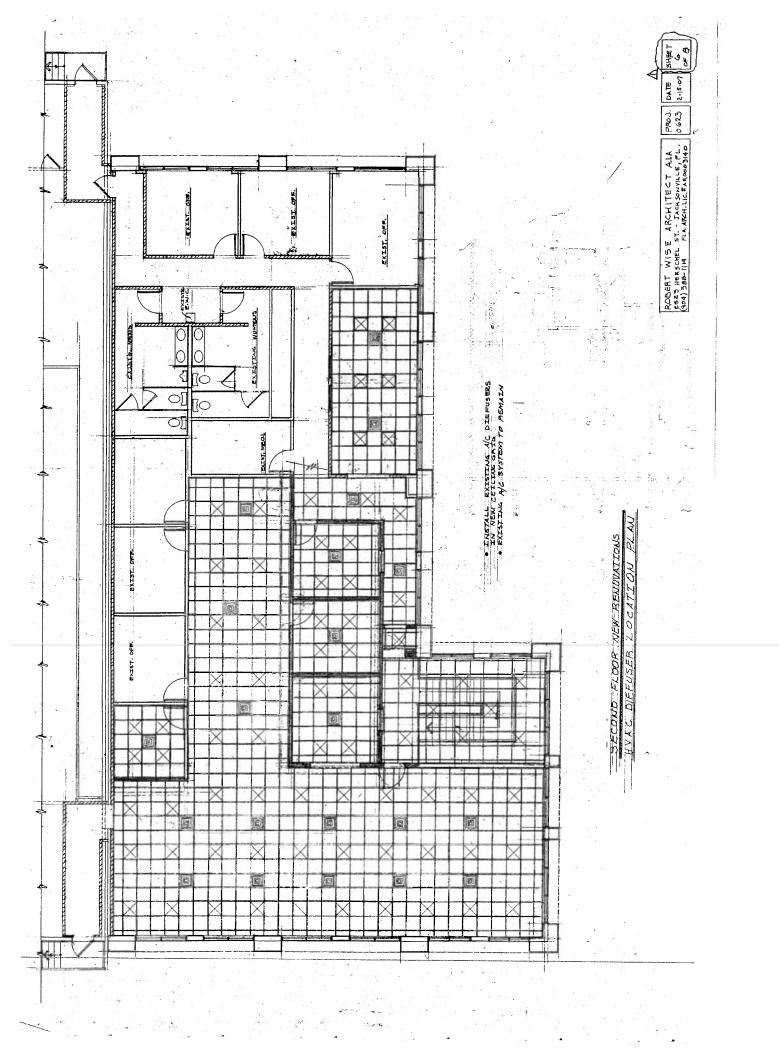


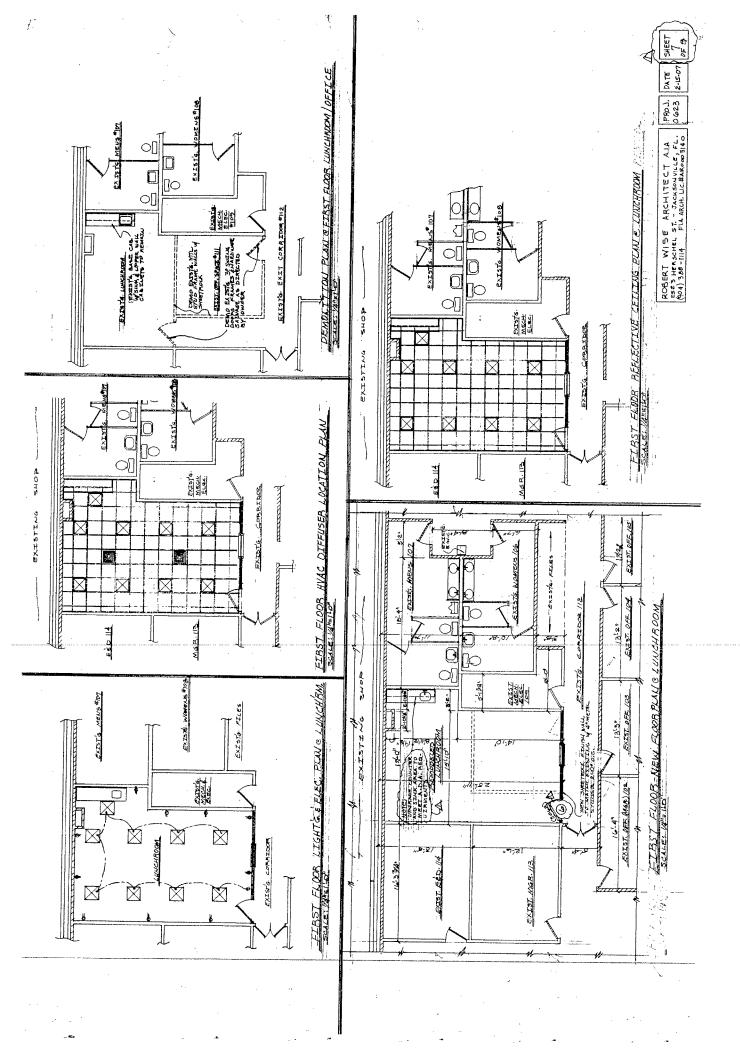


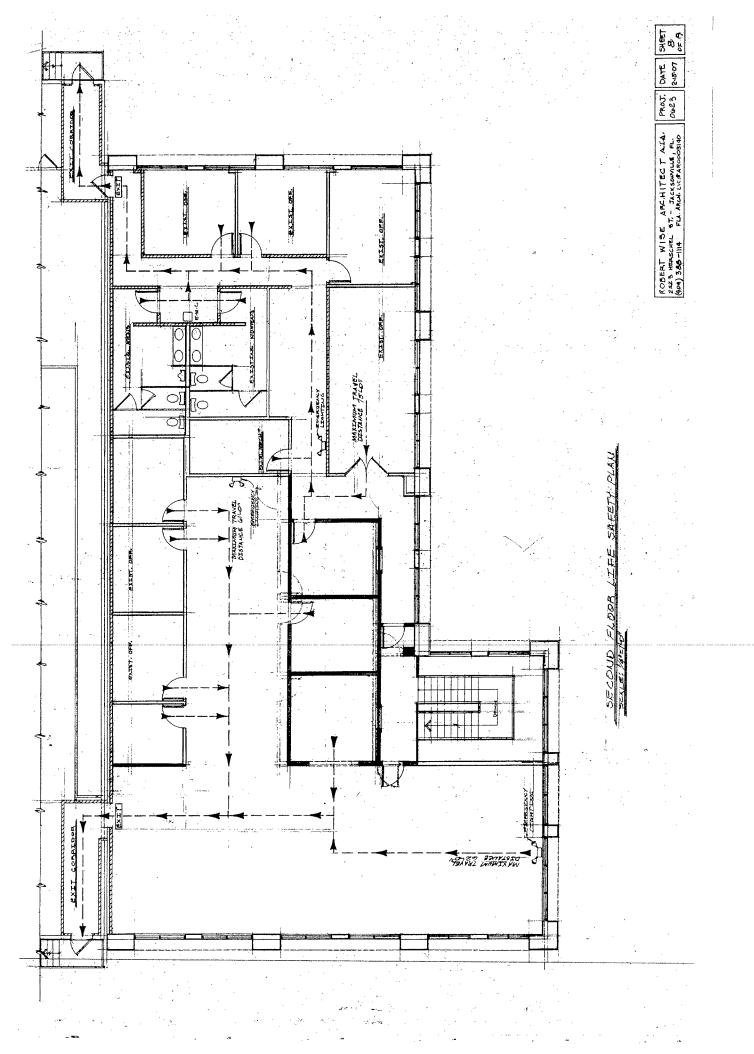


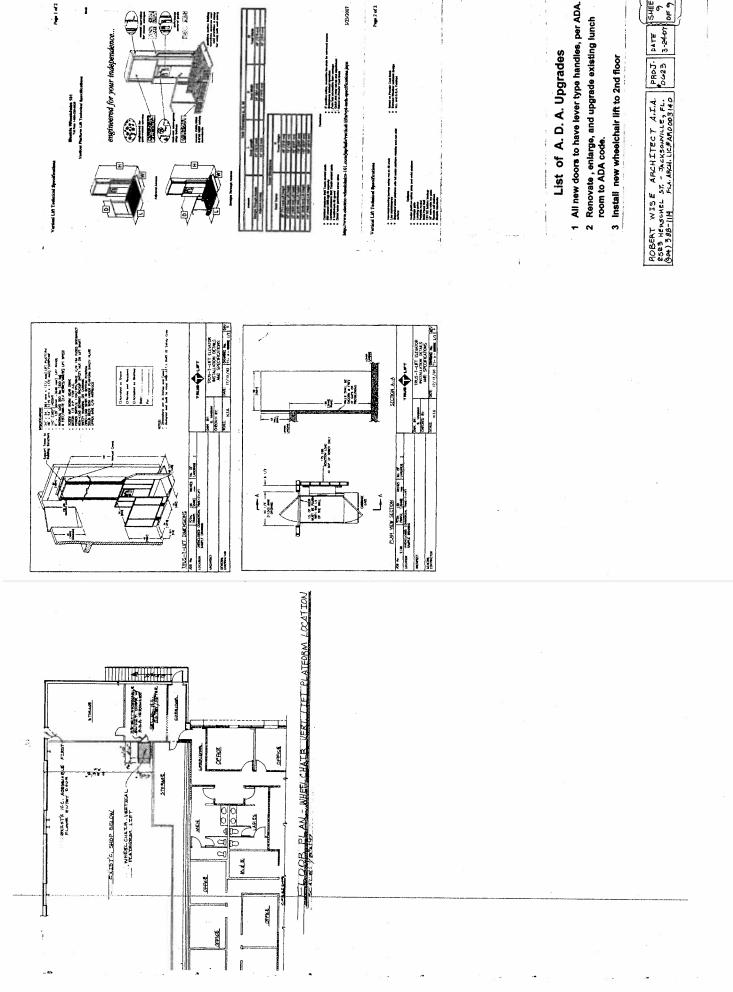












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Manager Contract

PROJ.