

HARVEST VILLAGE UNIT 62

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

Analysis: The applicant is requesting a waiver from providing vertical accessibility to the second floor and loft of a new, 4,200 square foot office building. The applicant's contractor valued the cost of construction as \$140,000; however, the building department, using the ICC valuation table indicates it is worth \$343,980. Most, but not all functions on the upper levels and replicated on the accessible first floor. According to the applicant, it would cost an additional \$35,000 to provide an elevator; however, no quotes were submitted to substantiate the estimate.

Project Progress:

The project is in plan review.

Items to be Waived:

Vertical accessibility to the second floor and loft of an office building, as required by Section 553.509, Florida Statutes.

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, 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.

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: Harvest Village Unit 62

Address: 7552 Navarre Pkwy. Ste. 62 Navarre, Fl. 32566

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: Guy Fischer

Applicant's Address: 7552 Navarre Pkwy. Ste. 42 Navarre, Fl. 32566

Applicant's Telephone: (850) 939-1720 **FAX:** (850) 939-0335

Applicant's E-mail Address: n_fischerdb@yahoo.com

Relationship to Owner: Builder

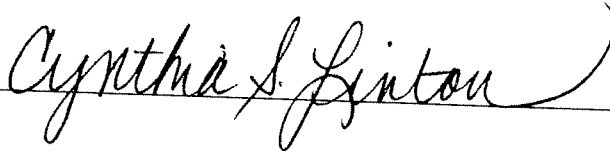
Owner's Name: Rick Linton

Owner's Address: 7552 Navarre Pkwy. Ste. 63 Navarre, Fl. 32566

Owner's Telephone: (850) 939-8965 **FAX:** (850) 939-7584

Owner's E-mail Address:

Signature of Owner:



Contact Person: Guy Fischer

Contact Person's Telephone: (850) 939-1720

E-mailAddress: n_fischerdb@yahoo.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.
- 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.)

This is a 4200 sq. ft. unit that has two floors w/loft. It is going to be a professional office used as an energy consultant office,

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

The construction cost will be \$

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.

This is a required process to get an exemption for the elevator.

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

Issue

1: Upper floor handicap accessibility

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.

The requirement of an elevator by Florida's Build Code will increase the building by \$35,000. This is one owner in one building and it is a professional office, not a medical one. Therefore, all handicap accessibility can be handled on the first floor. Refer to Federal law ADA.

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.

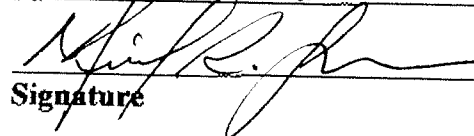
a. _____

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.

SINGLE BUILDING OWNER & OCCUPANT TAKES ACCESSIBILITY AVAILABLE ON GROUND FLOOR AND ELEVATOR NOT REQUIRED.



MICHAEL R. SPENCER

Signature

Printed Name

Phone number 850-862-1160

(SEAL)

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.

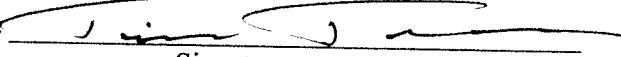
- a. Construction plans are disapproved for noncompliance with vertical accessibility requirements and the owner chooses to apply for a waiver.

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

Yes No Cost of Construction \$140,000.00 (PROVIDED BY CONTRACTOR)
\$343,980.00 (ICC VALUATION TABLE ESTIMATE)

Comments/Recommendation Santa Rosa County's plan review comment on this issue only requires compliance with 11-4.1.3(5) vertical accessibility. The comment does not require an elevator as stated in section 8 of this application.
Santa Rosa County recommends compliance with 11-4.1.3(5) of the Florida Accessibility code for Building Construction or submission of an alternate method in compliance with 104.11 of the Florida Building Code.

Jurisdiction Santa Rosa County

Building Official or Designee 
Signature

John T. "Tim" Tolbert
Printed Name

BU1228
Certification Number

(850) 981-7013/ (850) 623-1208
Telephone/Fax

Address 6051 Old Bagdad Hwy, Room 202, Milton, FL 32583

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 30 day of July, 2007

Signature

Louy Fischer

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.

Navarre, Florida



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 V-12: ALL OTHERS DELIVERY
 V-13: ALL OTHERS DELIVERY
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 V-100: ALL OTHERS DELIVERY

SCALE 1/4" = 1'-0"

SIGHT ELEVATION

SCALE 1/4" = 1'-0"

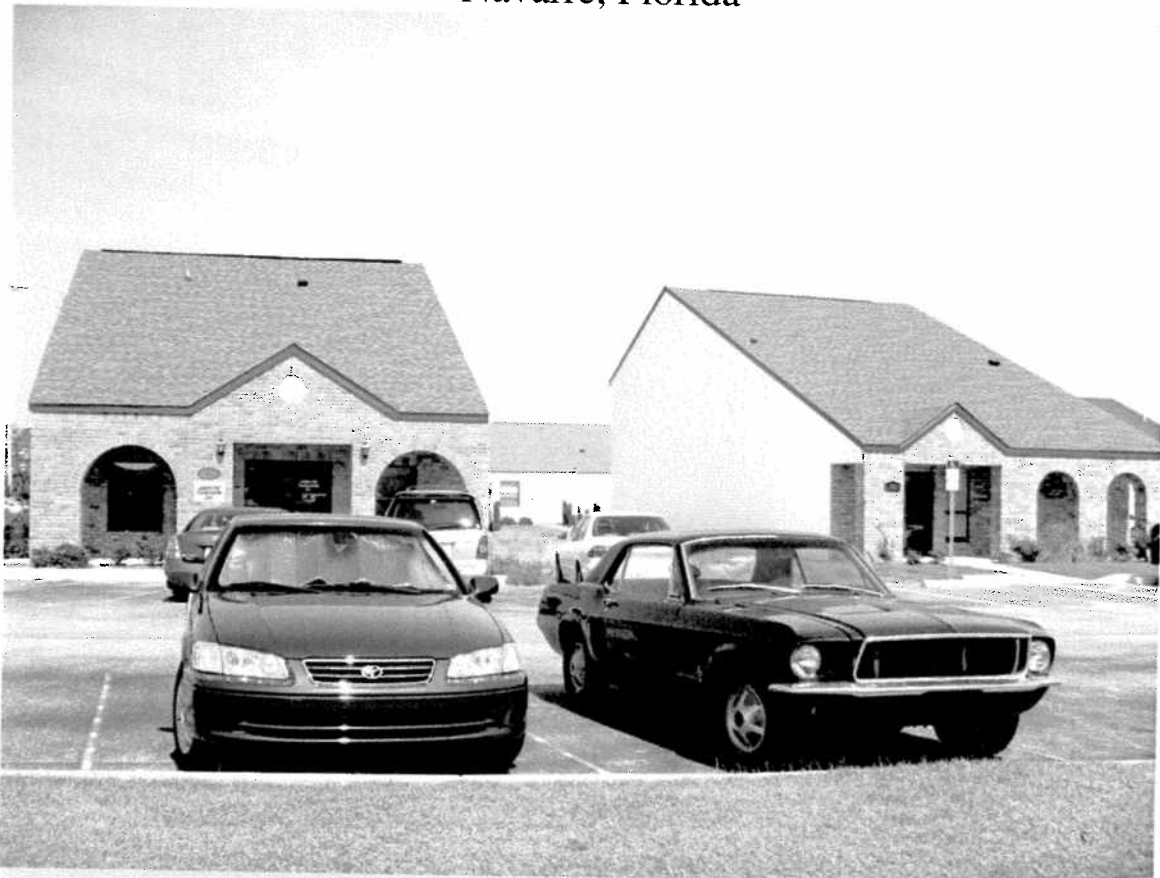
SCALE 1/4" = 1'-0"

DATE: 10/1/06
 DRAWN BY: [Name]
 CHECKED BY: [Name]

©

Harvest Village

Mixed Commercial PUD
Navarre, Florida



Harvest Village

Mixed Commercial PUD
Navarre, Florida



Harvest Village

Mixed Commercial PUD
Navarre, Florida



MONDRIAN CONDO HOTEL

Issue: Vertical accessibility from the street level to the entrance of a hotel.

Analysis: The applicant is requesting a waiver from providing vertical accessibility to the entrance of a high rise apartment building that is being converted at a cost of \$10,000,000 to a condominium hotel. According to the project designer, because of the configuration of the site, existing driveways, location of the building on the site and nature of the supporting structure, it is technically infeasible to provide vertical accessibility to the building entrance. The applicant stated that several methods of providing access were explored such as a long inclined lift and an elevator tower adjacent to the sidewalk with a suspended bridge to the building. The lift would present safety issues and the city would not permit the tower to be constructed. Cost is not the issue.

Project Progress:

The project is under design and in plan review.

Items to be Waived:

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

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, 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.

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.)

 Condominium hotel

5. **Project Construction Cost (Provide cost for new construction, the addition or the alteration):** _____ \$ 10,000,000.00

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 Completed*

* Briefly explain why the request has now been referred to the Commission.

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

Issue

1: Section 553.509, Florida Statutes; Section 4.1.6(1)(f), Florida Building Code (2004)

Vertical accessibility to all levels of a building

Issue

2: _____

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.

Configuration of pre-ADA building and existing slopes and level changes do not allow for providing a reasonable means of vertical accessibility.

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

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.

The hardship in complying with the code is based on technical considerations due to existing site and building constraints and not on relative costs.

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.

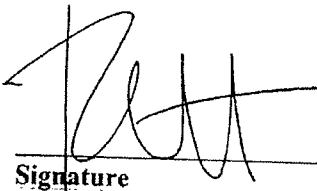
a. _____

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.

The Mondrian project is a conversion of an existing, pre-ADA, highrise apartment building to a condominium hotel. The subject building has its entrance approximately 15 feet above the public sidewalk. In addition, the entrance is approximately 65 feet from the sidewalk (horizontally). Because of the configuration of the site, existing driveways, location of the building on the site, and nature of the supporting structure, it is my opinion that it is structurally impracticable and technically infeasible to provide vertical accessibility for a pedestrian from the public sidewalk to the/any building entrance. We have explored numerous means of providing vertical accessibility such as a long, inclined lift; and an elevator tower adjacent to the sidewalk with a suspended bridge to the building but for safety reasons (the lift), zoning constraints (the City will not allow the elevator tower) and technical issues (designing and constructing a bridge of approximately 65 feet from the tower to the building), it is not reasonably feasible to provide vertical accessibility to the building entrance from the public sidewalk. Aside from this vertical accessibility issue, the building has been designed to be fully accessible in conformance with Section 4.1.6 and Section 9 of the ADAAG; as well as Section 11-4.1.6 and Section 11-9 of the Florida Building Code (2004).

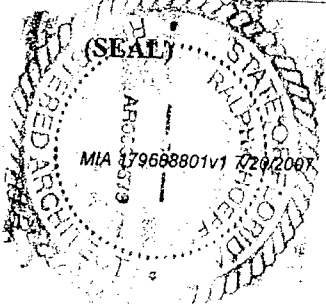


Signature

RALPH CHOEFF

Printed Name

Phone number (305) 892-6262



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 _____, 20_____


Signature _____

Jerri Causey
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. _____
- 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?

Yes No Cost of Construction _____

Comments/Recommendation _____

Jurisdiction _____ City of Miami Beach

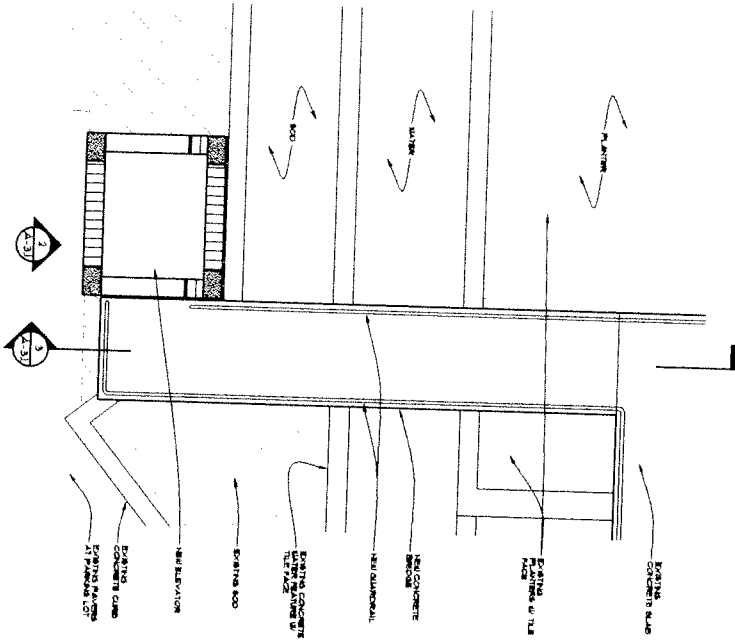
Building Official or Designee _____
Signature

Printed Name

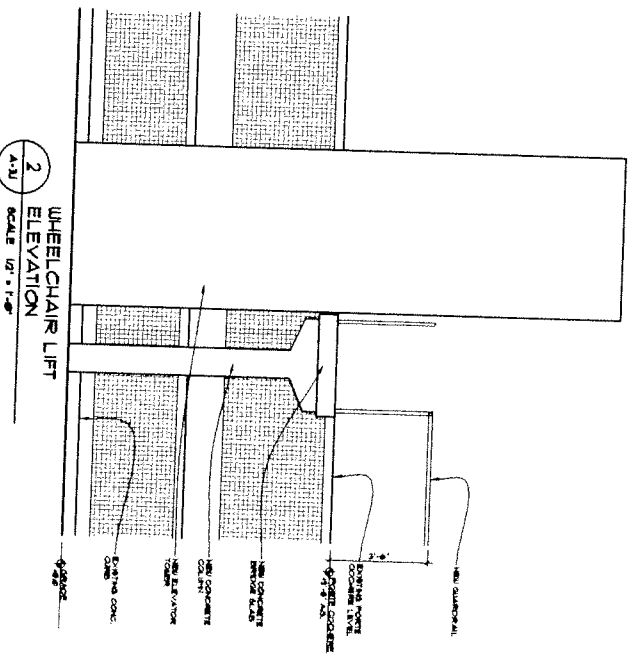
Certification Number

Telephone/FAX

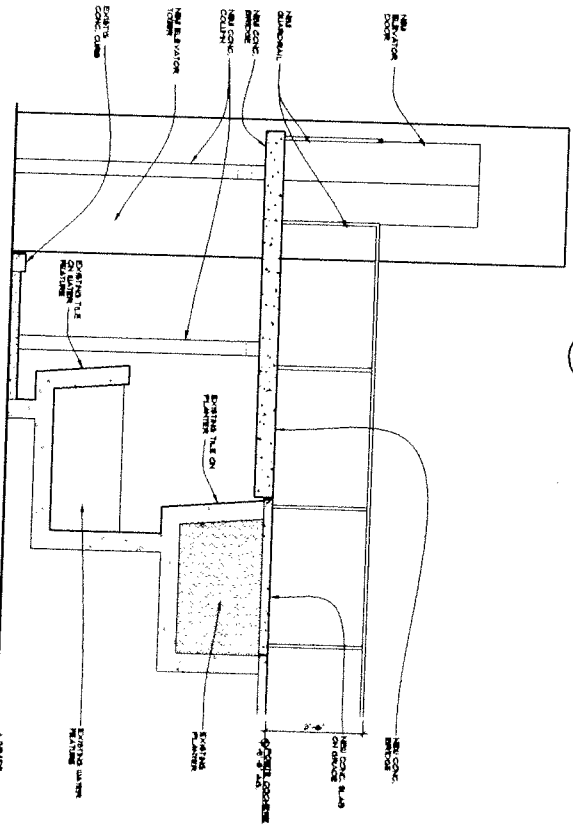
Address: ___ 1700 Convention Center Drive, Miami Beach, FL 33139 _____



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WHEELCHAIR LIFT
AND BRIDGE PLAN
SCALE 1/8" = 1'-0"



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A-31
WHEELCHAIR LIFT
ELEVATION
SCALE 1/8" = 1'-0"



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BRIDGE
SECTION
SCALE 1/8" = 1'-0"

1100 WEST
A CONDOMINIUM

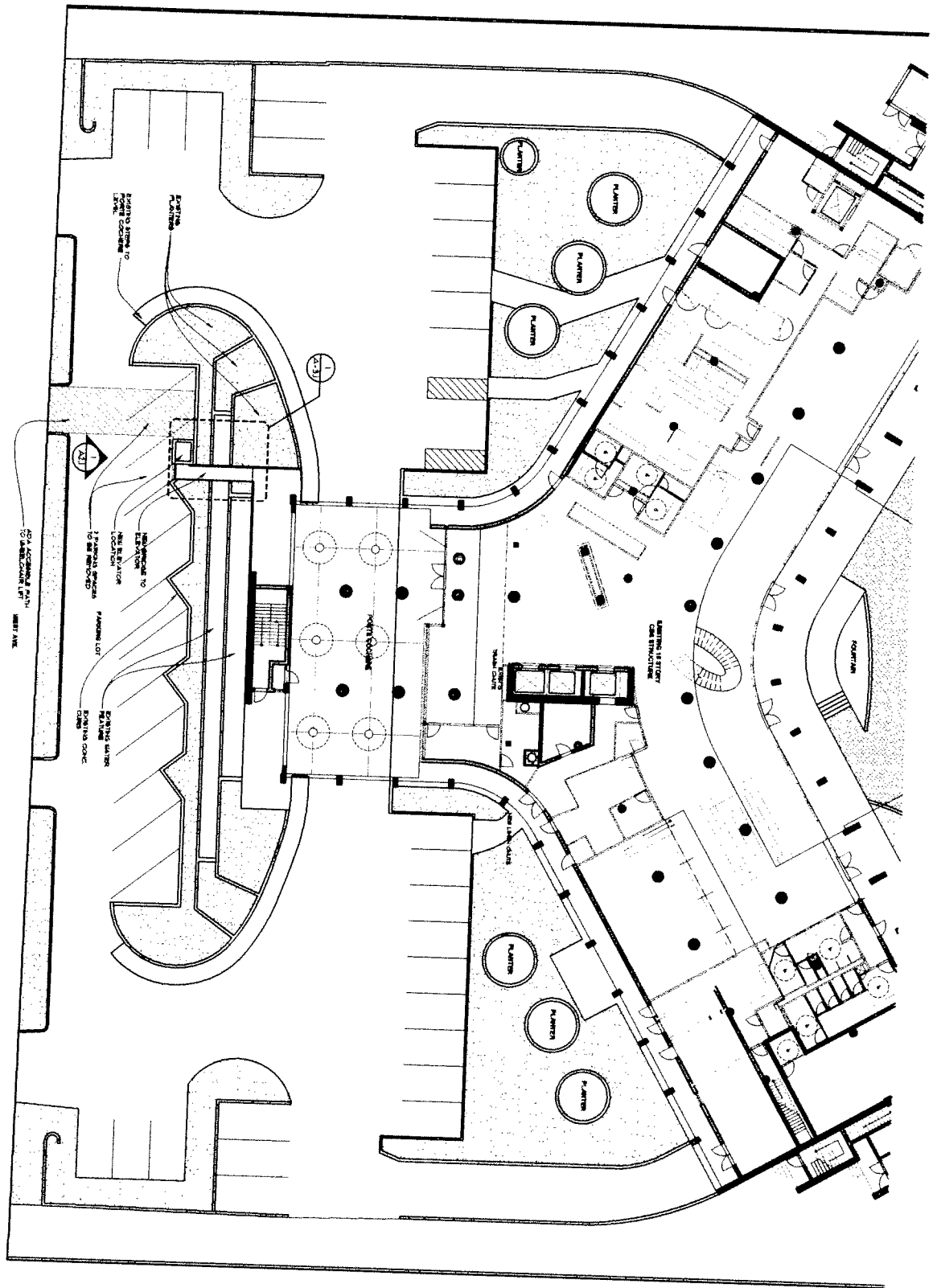
1100 WEST AVENUE MIAMI BEACH, FLORIDA

ralphchoeff architect
architecture · interiors

8425 biscayne blvd, suite 201
miami, florida 33138
rchoeff@choeffarchitect.com
AR0000678
Phone: 305.692.6262
fax: 305.692.5262

CONTRACT NO.
0623
DATE:
07-23-07
REVISED:

SHEET NO.
A3.1



1 SITE PLAN
 A1.0 SCALE 1/8" = 1'-0"

sheet no.
A1.0

CONTRACT NO.
0623
 DATE:
 07-23-07
 PROJECT:
 1100 WEST AVENUE

**1100 WEST
 A CONDOMINIUM**
 1100 WEST AVENUE MIAMI BEACH, FLORIDA

ralphchoeff architect
 architecture · interiors

8425 blythe way, suite 201
 miami, florida 33158
 rchoeff@choeffarchitect.com
 AR000678
 Phone: 305.882.4262
 fax: 305.882.5292