



# BERCOW RADELL FERNANDEZ LARKIN & TAPANES

ZONING, LAND USE AND ENVIRONMENTAL LAW

## Sanctuary MiMo Vertical Accessibility - ADA Waiver Application

### Grounds for Waiver:

**Historic Building on which compliance with the requirements for accessibility is not feasible while maintaining historically significant features.**

In 2006, the City of Miami created the MiMo/Biscayne Boulevard Historic District and designated the church building as a “contributing” structure, one that is a primary example of Subtropical Modernism and contributes greatly to the surrounding area and the City’s history. Notably, the building has a prominent forty-nine (49) foot tall vertical tower at the corner of 76th Street and Biscayne Boulevard. The tower and the lower portion of its front façade are thematically clad in Crab Orchard Stone. As is customary of Subtropical Modernism, the property features a shady courtyard and set-in windows and doors to provide natural shading and cooling during the heat of summer. The front façade features uniquely modern, continuous eyebrows along the first and second story. Additionally, a portion of the roof is sloped, which contributes to the ecclesiastical architecture. Along Biscayne Boulevard, the Property features arched window details and columns.

The Applicant is restoring the building, preserving the church building to adaptively reuse the former sanctuary and its mezzanine as an event space that will allow the community to continue to enjoy this beautiful building. The Applicant will also renovate the second floor office spaces, that once also housed school classrooms, as an office.

The exteriors and elevations of the historic Subtropical Modern structure, as featured in the City of Miami’s designation report for the local historic district, are unique attributes that an elevator, including the necessary bulkhead puncturing through the roof, would irreparably harm. Any adjustment to provide vertical accessibility to the second-floor offices jeopardizes the historic interior and exterior character. The Applicant is engaging in the renovation and preservation of this building and its historic elements, for the betterment of the property, the neighborhood and the City.

In summary, any elevator, lift and/or ramp system to access the small second floor offices would completely destroy the historic integrity of the building by obscuring and requiring irreparable changes.

**The technical infeasibility hardship is caused by a condition or set of conditions affecting the owner which does not affect owners in general.**

As originally designed and constructed in 1939, the layout of this Subtropical Modernism style, historic building with a narrow interior staircase prohibits implementation of vertical access to the second-floor office space. Lift apparatuses would impede life-safety egress to the second floor within the existing narrow staircase. Due to the compact nature of the church and access to the second-floor office space, there is no opportunity to incorporate an elevator without compromising the public interior space and interfering with life-safety egress. Ramps provide similar substantial constraints and are not feasible in the interior spaces. The staircase would have to be reconfigured to accommodate proper ramping and handrails, and there is simply no space. Further, due to the narrow confines of the layout, any lift, would negatively impact the historic layout and appearance of this modest church building.

In summary, the narrow interior staircase within the structure makes it technically infeasible to implement any lift, ramp, or elevator system to access the second-floor office space without impeding the safety and appropriate egress within the building.

Notably, the Applicant will provide vertical accessibility to all of the public event spaces on the first and mezzanine levels. As a result, guests will be able to experience all that this timeless, historic church offers.