

## UPDATED JUSTIFICATION STATEMENTS- 46 MARINE WAY

### #1- LDR 4.3.4(K) Variance Relief- Front (East) Setback

Per LDR 4.3.4(K) a front setback of 25'-0" is required. The existing front setback is 17'-7" - 20'-6". We are proposing 9'-8" - 12'-7". The existing front patio sits at 5'-5 ½" - 8'-8 ¼". We listened to the board's consideration of stepping back the front patio and adding dimensional levels to break up the front wall. A planter will be in front of the patio to add some greenery to the space.

### #2- LDR 4.3.4(K) Variance Relief- South Side Setback

Per LDR 4.3.4(K) a side setback of 7'-6" is required. The existing is 2'-3" - 6'-1". We are proposing 2'-3" to match the current existing. We would like to keep this setback as it is already existing.

### #3- LDR 4.3.4(K) Variance Relief- Rear (West) Setback

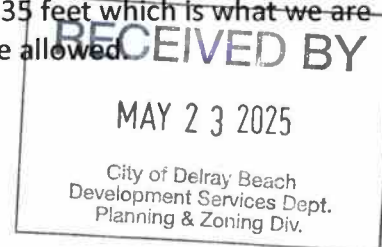
Per LDR 4.3.4(K) a rear setback of 10'-0" is required. The proposed addition on the NW side of the property will comply with the 10'-0" rear (west) setback. The existing accessory building on the SW corner has an existing 6'-8" rear setback. We are proposing to shift the accessory building to the south to be in alignment with the SW corner of the proposed building. The new rear setback would be 8'-4". Our intent is to preserve the existing historic structure, but we would like to align the proposed structure with the existing structure.

### #4- LDR 4.6.15- Variance Relief- Pool Setback

Per LDR 4.6.15 swimming pools have a setback requirement of 10'-0". The existing is at 7'-2". We are proposing to go 7'-6". If you refer to the site plan, you will see that the north side setback requirement is 7'-6". We want to match the pool setback with the north side setback, so the pool and proposed structure seamlessly align.

### #5- LDR 4.5.1(E)(7) Wavier Relief- Secondary and Subordinate

Per LDR 4.5.1(E)(7) the existing building is not currently compliant with the Visual Compatibility Standards. We are proposing to keep the structure not compliant. We ask for some consideration now that FEMA requirements have changed. We have stepped the second and third floor back to be as inconspicuous as possible. We also tucked the addition in the rear, so nothing is blocking the existing historical gem. We are showcasing the existing property to its entirety. We feel our proposed structure will beautify this historic district, will make it a livable space, will take care of the current flooding problems that take place there being on the water, will provide adequate parking which as of now there is none, and most importantly will be a beautiful forever home. This zoning district allows us to go up 35 feet which is what we are proposing. We would like the opportunity to build what we are allowed.



#### #6- LDR 4.5.1(E)(7)- Waiver Relief- Building Height Plane

Per LDR 4.5.1(E)(7) the existing building is not currently compliant with the Visual Compatibility Standards. We are proposing to keep the structure not compliant. And we ask for some consideration now that FEMA requirements have changed. We have stepped the second and third floor back to be as inconspicuous as possible. We also tucked the addition in the rear, so nothing is blocking the existing historical gem. We are showcasing the existing property to its entirety. We feel our proposed structure will beautify this historic district, will make it a livable space, will take care of the current flooding problems that take place there being on the water, will provide adequate parking which as of now there is none, and most importantly will be a beautiful forever home. This zoning district allows us to go up 35 feet which is what we are proposing. We would like the opportunity to build what we are allowed.

#### #7- LDR 4.5.1(E)(7)(j)(2)- Waiver Relief- Scale of Building

We are proposing to shift the accessory building to the SW setback to align with the proposed building structure.

#### #8- LDR 4.5.1(E)(6)(b)(1)- Relocation of contributing or individually designated structures.

Per board's direction, we eliminated the storage in the front façade. We raised the accessory structure to the third level to balance the loss of square footage.

#### #1- LDR 4.3.4(K) Variance Relief- Front (East) Setback

Findings of the Historic Preservation Board. The following findings must be made by the Historic Preservation Board prior to the approval of a variance:

- (a) That a variance is necessary to maintain the historic character of property and demonstrating that the granting of the variance would not be contrary to the public interest, safety or welfare.
  - a. **We are maintaining the historic character of the property by keeping the existing front porch. This variance would allow for the historic character of the property to remain. The current structure already has this front porch with a wall currently, we want to bring what is currently existing up with the existing structure. It doesn't make sense to raise the structure to FEMA requirements and have an 8 foot plus drop out your front door.**
- (b) That special conditions and circumstances exist, because of the historic setting, location, nature, or character of the land, structure, appurtenance, sign, or building involved, which are not applicable to other lands, structures, appurtenances, signs, or buildings in the same zoning district, which have not been designated as historic sites or a historic district nor listed on the Local Register of Historic Places.
  - a. **This variance will keep the existing building as is. We want to keep the existing front porch and raise it to meet the structure with FEMA requirements so when you walk out your front door there isn't an 8 foot drop off.**
- (c) That literal interpretation of the provisions of existing ordinances would alter the historic character of the historic district, or historic site to such an extent that it would not be feasible to preserve the historic character of the historic district or historic site.
  - a. **We will be preserving the historic character of the historic district with our property by keeping it existing. What we are asking for already exists.**
- (d) That the variance requested will not significantly diminish the historic character of a historic site or of a historic district.
  - a. **It will not diminish the historic character of the historic site or the historic district. We are keeping the existing building as is.**
- (e) That the requested variance is necessary to accommodate an appropriate adaptive reuse of a historic building, structure, or site.
  - a. **The variance is necessary to accommodate the reuse of the historic structure. We want to keep the existing structure as is. This front porch is already existing.**

## #2- LDR 4.3.4(K) Variance Relief- South Side Setback

Findings of the Historic Preservation Board. The following findings must be made by the Historic Preservation Board prior to the approval of a variance:

- (a) That a variance is necessary to maintain the historic character of property and demonstrating that the granting of the variance would not be contrary to the public interest, safety or welfare.
  - a. **We are maintaining the historic character of the property by keeping this existing. This variance would allow for the historic character of the property to remain.**
- (b) That special conditions and circumstances exist, because of the historic setting, location, nature, or character of the land, structure, appurtenance, sign, or building involved, which are not applicable to other lands, structures, appurtenances, signs, or buildings in the same zoning district, which have not been designated as historic sites or a historic district nor listed on the Local Register of Historic Places.
  - a. **This variance will keep the existing building as is.**
- (c) That literal interpretation of the provisions of existing ordinances would alter the historic character of the historic district, or historic site to such an extent that it would not be feasible to preserve the historic character of the historic district or historic site.
  - a. **We will be preserving the historic character of the historic district with our property by keeping it existing.**
- (d) That the variance requested will not significantly diminish the historic character of a historic site or of a historic district.
  - a. **It will not diminish the historic character of the historic site or the historic district. We are keeping the existing building as is.**
- (e) That the requested variance is necessary to accommodate an appropriate adaptive reuse of a historic building, structure, or site.
  - a. **The variance is necessary to accommodate the reuse of the historic structure. We want to keep the existing structure as is.**

### #3- LDR 4.3.4(K) Variance Relief- Rear (West) Setback

Findings of the Historic Preservation Board. The following findings must be made by the Historic Preservation Board prior to the approval of a variance:

- (a) That a variance is necessary to maintain the historic character of property and demonstrating that the granting of the variance would not be contrary to the public interest, safety or welfare.
  - a. **We are maintaining the historic character of the property by keeping this existing. This variance would allow for the historic character of the property to remain.**
- (b) That special conditions and circumstances exist, because of the historic setting, location, nature, or character of the land, structure, appurtenance, sign, or building involved, which are not applicable to other lands, structures, appurtenances, signs, or buildings in the same zoning district, which have not been designated as historic sites or a historic district nor listed on the Local Register of Historic Places.
  - a. **This variance will keep the existing building as is.**
- (c) That literal interpretation of the provisions of existing ordinances would alter the historic character of the historic district, or historic site to such an extent that it would not be feasible to preserve the historic character of the historic district or historic site.
  - a. **We will be preserving the historic character of the historic district with our property by keeping it existing.**
- (d) That the variance requested will not significantly diminish the historic character of a historic site or of a historic district.
  - a. **It will not diminish the historic character of the historic site or the historic district. We are keeping the existing building as is.**
- (e) That the requested variance is necessary to accommodate an appropriate adaptive reuse of a historic building, structure, or site.
  - a. **The variance is necessary to accommodate the reuse of the historic structure. We want to keep the existing structure as is.**

#### #4- LDR 4.6.15- Variance Relief- Pool Setback

Findings of the Historic Preservation Board. The following findings must be made by the Historic Preservation Board prior to the approval of a variance:

- (a) That a variance is necessary to maintain the historic character of property and demonstrating that the granting of the variance would not be contrary to the public interest, safety or welfare.
  - a. **The historic character of the property will be maintained. This variance will not affect the historic character of the property.**
- (b) That special conditions and circumstances exist, because of the historic setting, location, nature, or character of the land, structure, appurtenance, sign, or building involved, which are not applicable to other lands, structures, appurtenances, signs, or buildings in the same zoning district, which have not been designated as historic sites or a historic district nor listed on the Local Register of Historic Places.
  - a. **This variance will allow for the pool and the proposed structure to be aligned and seamless.**
- (c) That literal interpretation of the provisions of existing ordinances would alter the historic character of the historic district, or historic site to such an extent that it would not be feasible to preserve the historic character of the historic district or historic site.
  - a. **The historic character is not being altered with this variance.**
- (d) That the variance requested will not significantly diminish the historic character of a historic site or of a historic district.
  - a. **It will not diminish the historic character of the historic site or the historic district.**
- (e) That the requested variance is necessary to accommodate an appropriate adaptive reuse of a historic building, structure, or site.
  - a. **This variance will be accommodating the historic building by making the pool and proposed structure aligned and seamless.**

#5- LDR 4.5.1(E)(7) Waiver Relief- Secondary and Subordinate

Findings: Prior to granting a waiver, the granting body shall make findings that the granting of the waiver:

- (a) Shall not adversely affect the neighboring area;
  - a. **It will NOT affect the neighboring area.**
- (b) Shall not significantly diminish the provision of public facilities;
  - a. **It will NOT diminish the provision of public facilities.**
- (c) Shall not create an unsafe situation; and
  - a. **It will NOT create an unsafe situation.**
- (d) Does not result in the grant of a special privilege in that the same waiver would be granted under similar circumstances on other property for another applicant or owner.
  - a. **NO grant of a special privilege on other property for another applicant or owner.**
- (e) Within the CBD, the following additional findings apply:
  - a. The waiver shall not result in an inferior pedestrian experience along a Primary Street, such as exposing parking garages or large expanses of blank walls.
    - i. **It will NOT result in an inferior pedestrian experience along a primary street.**
  - b. The waiver shall not allow the creation of significant incompatibilities with nearby buildings or uses of land.
    - i. **There will be NO creation of significant incompatibilities with nearby buildings.**
  - c. The waiver shall not erode the connectivity of the street and sidewalk network or negatively impact any adopted bicycle/pedestrian master plan.
    - i. **It will NOT erode the connectivity of the street or negatively impact any bike/pedestrian master plan.**
  - d. The waiver shall not reduce the quality of civic open spaces provided under this code.
    - i. **It will NOT reduce the quality of civic open spaces.**

**(m) Additions to individually designated properties and contributing structures in all historic districts.** Visual compatibility be accomplished as follows:

1. Additions shall be located to the rear or least public side of a building and be as inconspicuous as possible.

**ANSWER: The addition will be in the rear of the existing structure. The existing structure will remain as is. The addition is stepped back that way the existing structure will remain the focal point and what you see from the street.**

2. Additions or accessory structures shall not be in front of the established front wall plane of a historic building.

**ANSWER: The addition will NOT be in front of the current existing historic building. The current historic structure will remain where it is, and it will be showcased for the historic gem it is.**

3. Characteristic features of the original building shall not be destroyed or obscured.

**ANSWER: We are keeping the original characteristic features of the existing structure. Nothing will be destroyed or obscured. And in fact, we are following the characteristic features of the existing structure throughout the entire proposed structure.**

4. Additions shall be designed and constructed so that the basic form and character of the historic building will remain if the addition is ever removed.

**ANSWER: The addition is designed and constructed so that the basic form and character of the historic building will remain if the addition is ever removed.**

5. Additions shall not introduce a new architectural style, mimic too closely the style of the existing building nor replicates the original design, but shall be coherent in design with the existing building.

**ANSWER: The addition is coherent in design with the existing building as you can see in the plans provided to you.**

6. Additions shall be secondary and subordinate to the main mass of the historic building and shall not overwhelm the original building.

**ANSWER: The existing building is not compliant with the visual compatibility standards. The current building sits outside of the visual compatibility line, and we would like to keep the proposed structure non-compliant as the current structure is not compliant. We are stepping back the second and third floor in order to not overwhelm the original structure.**

#### #6- LDR 4.5.1(E)(7)- Waiver Relief- Building Height Plane

**Height.** The height of proposed buildings or modifications shall be visually compatible in comparison or relation to the height of existing structures and buildings in a historic district for all major and minor development. For major development, visual compatibility with respect to the height of residential structures, as defined by 4.5.1(E)(2)(a), shall also be determined through application of the following:

- a. Building Height Plane (BHP): The building height plane technique sets back the overall height of a building from the front property line.
  - a. The building height plane line is extended at an inclined angle from the intersection of the front yard property line and the average grade of the adjacent street along the lot frontage. The inclined angle shall be established at a two to one (2:1) ratio.

**ANSWER: We understand the building height plane line. As you can see from the plans on pages A10 & A11, the existing structure is outside of this building height plane line. The current structure is not compliant with this line, and we are proposing to keep the proposed structure not compliant. Also, we are allowed to raise the structure to meet the new FEMA code which is what we are proposing to do. This will be pushing the proposed structure outside of the building height plane line. We want to raise the structure not only to meet the new FEMA requirements but also to eliminate the amount of flooding that happens on the first floor of the current structure.**

#7- LDR 4.5.1(E)(7)(j)(2)- Waiver Relief- Scale of Building

For buildings deeper than 50 percent of the lot depth, a portion of each side façade, which is greater than one story high, must be setback a minimum of five additional feet from the side setback line: [Amd. Ord. 38-07 2/5/08]

- i. We are proposing to shift the accessory building to the SW setback to align with the proposed building structure.**
- b.** To calculate how much of the building depth must comply with this provision, multiply the lot depth by 50 percent and subtract the required minimum front and rear setbacks (example: 120' lot depth x 50% = 60' - 25' front yard setback - 10' rear setback = 25'). [Amd. Ord. 38-07 2/5/08]
  - i. We are proposing to shift the accessory building to the SW setback to align with the proposed building structure**
- c.** Any part or parts of the side façades may be used to meet this requirement. [Amd. Ord. 38-07 2/5/08]
  - i. We are proposing to shift the accessory building to the SW setback to align with the proposed building structure**
- d.** See illustration below: [Amd. Ord. 38-07 2/5/08]
  - i. Noted**
- e.** If the entire building is set back an additional five feet from the side, no offsets are required on that side. [Amd. Ord. 38-07 2/5/08]
  - i. Noted**

#8- LDR 4.5.1(E)(6)(b)(1)- Relocation of contributing or individually designated structures.

**Criteria.** When considering the relocation of a contributing structure from a historic district, or an individually designated structure from a site, the Board shall be guided by the following, as applicable: [Amd. Ord. 13-15 08/18/2015]

- a. Whether the structure will be relocated within the same historic district, into a new historic district, or outside of a historic district; [Amd. Ord. 13-15 08/18/2015]
  - a. **The structure will be relocated within the same historic district.**
- b. Whether the proposed relocation may have a detrimental effect on the structural soundness of the building or structure; [Amd. Ord. 13-15 08/18/2015]
  - a. **It will NOT have a detrimental effect on the structural soundness.**
- c. Whether the proposed relocation would have a negative or positive effect on other historic sites, buildings, or structures within the originating historic district, at the new site; [Amd. Ord. 13-15 08/18/2015]
  - a. **It will have a positive effect.**
- d. Whether the new surroundings of the relocated structure would be compatible with its architectural character; and, [Amd. Ord. 13-15 08/18/2015]
  - a. **Yes, it will be compatible.**
- e. Whether the proposed relocation is the only practicable means of saving the structure from demolition. [Amd. Ord. 13-15 08/18/2015]
  - a. **Yes.**