



VARIANCE REQUEST for Non-Vehicular Open Space relief. Code section 4.3.4

DATE: REVISED 5/20/2024

PROJECT: Delray Business Incubator City **FILE NO.:** 2023-159

LOCATION: 905 SW 14th Avenue. **ZONING** LI, Light Industrial.

Project Planner: Alexia Howald, Senior Planner howalda@mydelraybeach.com

John Tice, Architect - Authorized Agent Doug Nicholson - Applicant

GS Deerfield, LLC - Property Owner

ORIGINAL Site area: 110,853 sf

Site area after the 5 foot right of way dedication at the east property line: 108,008 SF

Open Space required by code= 25.0% or 27,002 sf

Open Space provided= 22.7% or 24,472 sf

Description: The proposed project is for a new commercial building on the large vacant portion of the existing site located between SW 13th Avenue and SW 14th Avenue and bounded by SW 8th Street to the north and existing building to the south. The new building is planned as small business office and inventory building which provides space for a number of start-up type businesses which need both an office as well as inventory or supplies storage space. We have created a 20,216 square foot building with ten defined tenant bays. The spaces are designed to be flexible such that if a larger tenant needs space, they could lease adjacent or multiple bays.

The current lot is 2.54 Acres. The current lot has a two story office and warehouse building which was built in 1991. The current building represents approximately one third of the potential development on this site. This project is to complete the development of the site, using a very similar compatible use. The current building is used by "Rapid Response" which is an Insurance repair division, which stages and manages repair and restoration of properties which have sustained damage. The current building is and has been maintained in very good condition and operates well from this location in this design.

The existing Building and parking arrangement drives what is possible for the new development. The only practical design solution is to connect the existing perimeter driveway to the new driveway which also must circuit around the new building with parking outboard of that. When the required driveway and parking space dimensions are applied, we have a limited amount of open space to balance the

other factors. Another key factor is the current drainage requirements which far exceed to requirements at the time of the initial existing building development.

Findings. The following findings must be made prior to approval of a variance: [Amd. Ord. 01-12 8/21/12]

(a)

That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not generally applicable to other lands, structures, or buildings subject to the same zoning (The matter of economic hardship shall not constitute a basis for the granting of a variance);

The special conditions of this property being partially vacant are peculiar to this project and do not allow multiple site design options. Because of the placement of the existing building, parking etc., we are limited in four directions on the site for building, parking, driveway and drainage locations and sizes, thus forcing the proposed design which is slightly short of Non-vehicular open space by 2.3%. 25% required and 22.7% provided.

(b)

That literal interpretation of the regulations would deprive the applicant of rights commonly enjoyed by other properties subject to the same zoning;

The literal interpretation of the open space code would reduce the practicality of the use of the building and site with a lack of parking or usable space. We have achieved all the required landscape, buffering, and drainage with the proposed design.

(c)

That the special conditions and circumstances have not resulted from actions of the applicant;

Special conditions and Circumstances will not result from actions of the applicant. We have met and exceeded codes not only on the new vacant portion of property but have proposed code upgrades to the existing built portion which essentially bring the entire site up to current code as much as practical and possible.

(d)

That granting the variance will not confer onto the applicant any special privilege that is denied to other lands, structures, and buildings under the same zoning. Neither the permitted, nor nonconforming use, of neighborhood lands, structures, or buildings under the same zoning shall be considered grounds for the issuance of a variance;

Granting the open space variance would not confer any special privilege because it would merely allow the completion of the design concept which was established in 1991 when the original building was constructed.

(e)

That the reasons set forth in the variance petition justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure; and,

(f)

That the granting of the variance will be in harmony with the general purpose and intent of existing regulations, will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

Granting this variance is the minimum variance which will allow reasonable use of the land which is evidenced by fact that this design is a continuation of the successful existing building and site design. The current building functions properly and is well maintained.

Thank you

A handwritten signature in blue ink, appearing to read "John E. Tice". The signature is stylized with a large initial "J" and a cursive "Tice".

John E. Tice

Architect, FI ar14771

Vice President Gallo Herbert Architects