

July 28, 2022

Re: 354 SE 5th avenue, Waiver Request – For proportions exceeding 1:3 Ratio

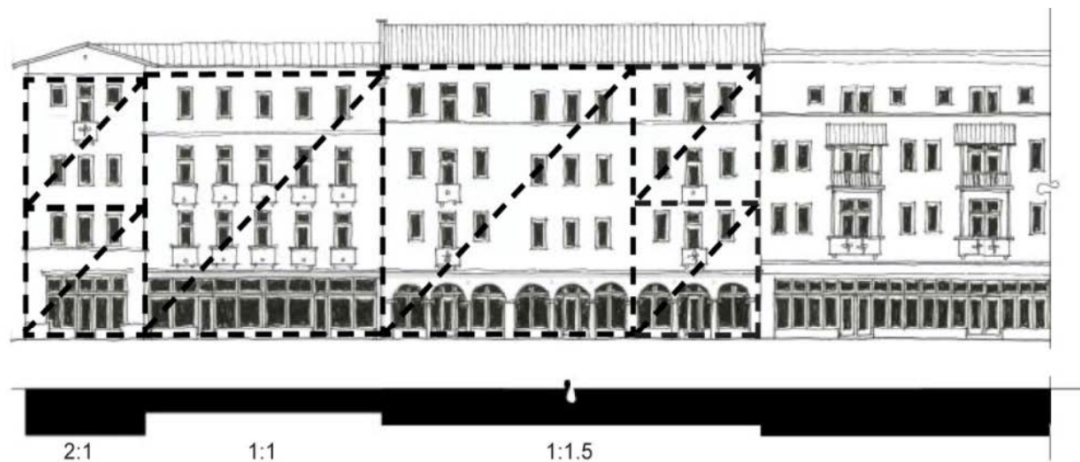
To Whom It May Concern

This letter is a waiver request pursuant to Section 2.4.7(B)(5) and Section 4.4.13(F)(2)(a)1 of the Delray Beach Land Development Regulations (“LDRs”). In this situation the following would apply:

The proposed architecture is characteristic of Modern Masonry and meets all the design elements of this style. As per the Delray Beach Design Guidelines for Modern masonry, proportions not to exceed 1:3 is not a requirement nor is it a characteristic of the style.

These proportions don’t work with this design.

Figure 4.4.13-F-1 Façade Articulation Proportions



The proportions figure 4.4.13.-F-1 don’t work with this deign. The proportions of our design lends itself to proportions shown in figures below where town homes facades are repeated:



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Please accept this request for the proportions exceeding the 3:1 ratio

As per the Land Development Regulations, Section 2.4.7(B)(5) requires that the governing body make positive findings to support the granting of a waiver based on the following:

- a) The waiver shall not adversely affect the neighboring area;
- b) The waiver shall not significantly diminish the provision of public facilities;
- c) The waiver shall not create an unsafe situation; and,
- d) The waiver does not result in the granting of a special privilege in that the same waiver would be granted under similar circumstances on other property for another applicant or owner.

Positive findings with respect to LDR Section 2.4.7(B)(5) Waiver Findings, can be made as follows:

a) *The waiver shall not adversely affect the neighboring area.*

The granting of the waiver will not adversely affect the neighborhood because the waiver request is applicable to Modern Masonry Design of 8 townhomes.

b) *The waiver shall not significantly diminish the provision of public facilities*

The waiver is related to architectural design. Public facilities will not be significantly diminished and therefore the granting of the waiver will not significantly diminish public facilities.

c) *The waiver shall not create an unsafe situation.*

The waiver is related to the architectural design of the project.

d) *The waiver does not result in the granting of a special privilege in that the same waiver would be granted under similar circumstances on other property for another applicant or owner.*

No special privilege will result from the granting of this waiver and does not result in the granting of a special privilege in that the same waiver would be granted under similar circumstances on other property for another applicant or owner.

Also, within the CBD, the following standards per Section 4.4.13(K)(5)(b)2 shall be used by the City Commission when considering waiver requests, in addition to the findings in Section 2.4.7(B)(5) above:

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.*

This waiver will not adversely affect the pedestrian experience along the primary street as there are no blank walls or exposed parking garages.

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b) The waiver shall not allow the creation of significant incompatibilities with nearby buildings or uses of land.

This waiver request is for a standalone Masonry Modern design that meets all the LDR requirements with regard to height, setbacks, use and design standards. Therefore, the granting of the waiver will not create an incompatible situation.

c) The waiver shall not erode the connectivity of the street and sidewalk network or negatively impact any adopted bicycle/ pedestrian master plan.

The waiver is related to the architectural design of the project and meets the front setback, the pedestrian clear zone and curb zone and therefore, connectivity of the street and sidewalk network will not be affected and will not create a negative impact.

d) The waiver shall not reduce the quality of civic open spaces provided under this code.

The project has a civic area requirement under 250 sf and as per the LDR's a sculpture will meet this requirement and therefore, the granting of the waiver will not reduce the quality of the civic space.

Positive findings with respect to LDR Section 2.4.7(B)(5) and Section 4.4.13(K)(5)(b)2 can be made and the request for the above waiver can be approved.

Please feel free to email or call if you have any questions.

Sincerely,
Jeffrey Silberstein, AIA

Silberstein Architecture, Inc