

## PROJECT RELIEF

Does any component of the project require relief from any of the applicable requirements noted in the Land Development Regulations? ☒ Yes ☐ No

### WAIVERS:

☐ No waivers are requested

Fee: See Section 2.4.3(K)

Pursuant to LDR Section 2.4.7(B), a waiver involves the granting of partial or total relief from a specific regulation. A formal letter of request with reference to the Section and a justification for granting the waiver is required.

Pursuant to LDR Section 2.4.7(B)(5), 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
- (b) Shall not significantly diminish the provision of public facilities;
- (c) Shall not create an unsafe situation; and,
- (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.

The following waiver(s) are requested:

LDR Section	Requirement	Relief Requested
The relief requested is a reduction of 10' from the 30' side interior setback requirement under L.D.R. Section 4.3.4(K) for the third floor on a portion of the building at the northwest corner of project. The waiver request meets each of the L.D.R. standards.		

\*If additional waivers are requested, please provide a copy of this page with the additional information.

☒ Required fee(s) and justification statement(s) is/are attached:

### VARIANCE:

☐ No variances are requested

Fee: See Section 2.4.3(K)

☒ Variances have been requested. See attached copy of the Board of Adjustment Variance application. Review by the Board of Adjustment is scheduled for \_\_\_\_\_. If any variances have already been approved, please provide such verification.

### INTERNAL ADJUSTMENT:

☒ No internal adjustments are requested

Fee: See Section 2.4.3(K)

Pursuant to LDR Section 2.4.7(C), An adjustment involves the lessening, or a total waiver, of those development standards which affect the spatial relationship among improvements on the land. A formal letter of request with reference to the Section and a justification for granting the adjustment is required.

The following internal adjustment(s) are requested:

LDR Section	Requirement	Relief Requested

\*If additional adjustments are requested, please provide a copy of this page with the additional information.

☐ Required fee(s) and justification statement(s) is/are attached:

**IN-LIEU OF PARKING:** Fee: See Section 4.6.9(E)(3). ☒ No in-lieu of parking is requested

☐ In-lieu of parking is requested; the Application is attached.



PADULA BENNARDO LEVINE  
COLLABORATIVE LEGAL SOLUTIONS FOR TODAY'S BUSINESS NEEDS

July 22, 2017

City of Delray Beach  
Site Plan Review & Appearance Board  
100 Northwest First Avenue  
Delray Beach, FL 33444

Re: Site Plan Review - Nautica Project  
917 Bucida Dr. Delray Beach, Florida 33483  
Request for Waiver (L.D.R. Section 2.4.7(B))

Dear Sir/Madam:

The undersigned represents Seaside Builders, LLC, the authorized representative of the owner and applicant for site plan approval. This is intended as support for the requested Waiver, per the Site Plan Application, Project Relief.

**Code Section from which relief is requested:** L.D.R. Section 4.3.4(K)

**Current Requirement:** L.D.R. Section 4.3.4(K) requires a 30' side interior setback at the third floor of the building on the site.

**Waiver Requested:** The relief requested is a reduction of 10' from the 30' side interior setback requirement under L.D.R. Section 4.3.4(K) for the third floor on a portion of the building at the northwest corner of project. The waiver request meets each of the L.D.R. standards as set forth below:

1. *The reduction of the third-floor setback on the northwest corner of the project does not adversely affect the neighboring area.*

The reduction of the set back as requested, rather, will enhance the neighboring area. Currently existing on the property is a three-story structure which will be razed. The current structure has a setback of 9.8' to the property line at all three floors, which will be expanded with the new site plan, to a 15' setback for the first two floors, and 20' at the third floor. Neighboring properties will therefore enjoy a *net increase of the current setback* at the third floor.

Neighboring properties will enjoy an *increase of both air and light flow* as a result of the net increase setback. Furthermore, the proposed third-floor setback is adjacent to what is current open space on the neighboring property. It will therefore have no effect on any current structure.

The reduction of the setback is requested at a single corner of the proposed plan which does not face a public road. The setback allows the full implementation of the site plan, where all other locations comply with the L.D.R. Again, the fully redeveloped site plan is a significant *expansion* of the set back from the current structure, which is 9.8' at all floors.

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Finally, the reduction of the setback will allow the site plan's proposed orientation of the four new units, providing *increased privacy* for both neighbors and the residents at the site.

2. *The reduction of the third-floor setback on the northwest corner of the project does not diminish the provision of public utilities.*

The requested waiver will not diminish any public utilities, and will have no direct effect on any public utility. As a whole, the requested waiver will allow the site plan as presented which includes garage space for eight cars, greatly reducing or eliminating impact on street parking, facilitating access to public road and the related swale utilities.

3. *The reduction of the third-floor setback on the northwest corner of the project will not create an unsafe situation.*

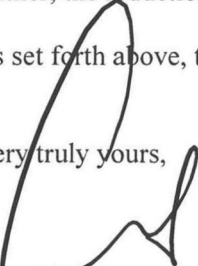
The site plan proposed will raze the current structure which predates the current code. The new structure with the granted waiver *will reduce the density* at the property from 12 to 4 units, will conform to all current safety and fire code, and will conform with the subject code section's safety related purpose to *prevent overcrowding of structures*. The net effect of granting the waiver will be a significantly safer structure and reduction of density.

4. *The reduction of the third-floor setback on the northwest corner of the project will 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 of owner.*

The proposed plan with the waiver will greatly enhance the profile of the neighborhood. The existing structure is a 12 unit cooperative with on street parking, with a 9.8' setback at three floors. The proposed site plan will have an increased setback even with the granted waiver. The density of the new project will be reduced from 12 to 4 units, move parking off the streets to the proposed eight total garage spaces and increase the surrounding light and airspace for the surrounding properties. The reduction grants no special privilege. Rather, the reduction removes the currently grandfathered nonconforming structure.

As set forth above, the waiver request meets all the required findings and should be granted.

Very truly yours,



Cristofer A. Bennardo