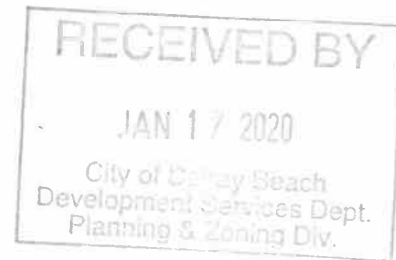


January 13, 2020

City of Delray Beach
100 NW 1st Avenue
Delray Beach, Florida 33444



Attn.: Jennifer Buce, Senior Planner - Development Services Department

Re: Justification Letter – 290 Warehouse @ 290 SE 2nd Ave., Delray Beach, Fl. 33483

Ms. Buce:

I hope all is well. As the Architect Of Record (& Agent) for the property located at 290 SE 2nd Ave., I am hereby respectfully submitting a “Justification Letter” for a “waiver” associated with establishing the West limitations (Side or Rear Yard Building Setback Line) for the proposed new 2nd floor addition we are seeking to develop.

Pursuant to LDR Section 2.4.7 “Procedures for Obtaining Relief from Compliance with Portions of the Land Development Regulations”:

Our site is very unique in that Staff has determined that we have two (2) “Fronts”. Normally a site has a single “Front”. Not ours. The East and the South have been determined by Staff to be “Fronts”, thereby making the North and the West the “Rear” property lines.

Our site is zoned Central Business District (CBD): Railroad Corridor.

Our West property line has a 10’ “Rear Building Setback” limitation. We have a Multi-Family use to our immediate West – so we respect that neighbor.

Our existing building, however, is set 5’ off of that Rear, or West property line.

Our existing building was ORIGINALLY conceived of, and structural set up to have – a 2nd floor added onto it. Concentric with all four (4) outer walls that comprise it’s “shell”.

We have the original PERMIT construction drawings of circa 1975 to offer as competent and substantial evidence that it was set up as such.

We have a professional, well respected Structural Engineer (Joel Middlebrooks) who has offered a separate letter of justification that points out the structural hardships involved if we were forced to offset the new West wall 5’ into the existing structure – it introduces new columns, new foundation work, disrupts the interior finish out we completed a few years ago and renders the existing interior to be fully compromised during construction of the proposed 2nd floor.

It is not only a structural hardship it is an Architectural hardship as well as it introduces an un-desirable 1st floor lower roof element into the design mix that my Client is not interested in.

We prefer to build straight up with our new 2nd floor along the West, as the original building was designed for. Our neighbors to the West are no more negatively impacted by this than if we were forced to offset it another 5’.

We feel the intent of the code will not be compromised in any fashion whatsoever!

In fact, if granted, the “waiver” would in no way “be contrary to the public interest and where owing to the conditions peculiar to the property and not the result of the actions of the landowner, a literal enforcement of the regulations would result in unnecessary and undue (structural) hardship”. Furthermore, we feel “that the reasons set forth in the “waiver” petition justify the granting of the “waiver”, and feel that the “waiver” is the minimum “waiver” that will make possible the reasonable use of the land, building, or structure” and finally “that the granting of the “waiver” will be in (complete) harmony with the general purpose and intent of exiting regulations, will not be injurious to the neighborhood, or otherwise detrimental to the public welfare”.

Furthermore, our existing building was designed and approved (circa 1975) in accordance with a prior set of regulations, and certain elements of the existing building are considered legally nonconforming – storefront requirements along both “frontages” being the most concerning.

Our Project proposes to meet the City’s Land Development Regulations (“LDR’s”) to the greatest extent possible. However, due to a change in the LDR’s and existing constraints with the size and narrowness of our property, the Applicant may have to request a waiver from the LDR’s related to the storefront building

setback – should we ever introduce new storefront to our East façade. We have no storefront now – but Staff has asked that we delineate storefront criteria should any FUTURE improvements NOT AS PART OF THIS SCOPE arise.

Pursuant to Section 4.4.13(E)(4)(e) of the LDR's, a minimum ten (10) foot building setback is required to meet the storefront building setback requirements within the CBD.

Our existing building is only +-9.5' off of the property line at the extreme South end of the building and +-9.7' at the extreme North end. So, should we introduce any storefront in the FUTURE we would see a waiver to this regulation as we do not meet that 10' setback.

Please refer to the revised Site Plan, sheet A2.0 delineating these setbacks and inherent conflicts with the existing structure. But once again, we are proposing no new storefront.

Please do not hesitate to call should you require anything else. I look forward to the approval process and being scheduled before the next available Site Plan Review and Appearance Board (SPRAB) hearing.

Sincerely:

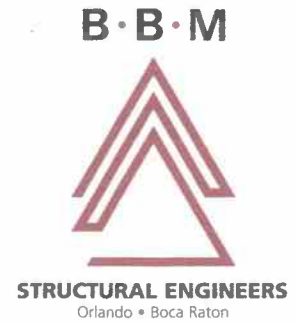
A handwritten signature in blue ink, appearing to read 'Roger Cope', with a stylized, overlapping flourish.

Roger Cope
Principal
RWC/jad

Cc Mark Ford, Property Owner
Joel Middlebrooks, Structural Engineer

September 27, 2019

Mr. Scott Pape, P&Z Senior Planner
City of Delray Beach Planning and Zoning Department
100 NW 1st Avenue
Delray Beach, FL



RE: Request for Structural Hardship
Proposed Second Floor Expansion
290 SE 2nd Avenue
Delray Beach, FL

Dear Mr. Pape:

Please accept this letter for a structural hardship consideration in reference to the above application for a second-floor expansion to the existing structure. The request is to waive the setback along the west property line for the second floor from ten feet to five feet. Granting the five-foot setback will allow the second floor to align with the first floor.

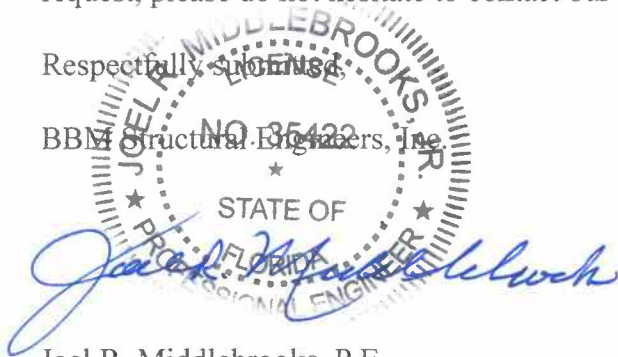
If the request is not waived, new additional columns, foundations and beams will need to be located within the existing first level structure five feet from the existing interior west wall. A new structure to support the offset second floor west wall will disrupt existing finishes, mechanical and electrical systems and produce restrictive headroom clearances below and around the new structure.

Granting the waiver will allow the new second floor west wall to bear directly over the existing first floor west wall with new structural enhancements contained within the plane of the existing wall.

If you have any questions or if I can address any questions you may have regarding this request, please do not hesitate to contact our office.

Respectfully,
~~Signature~~

BBM Structural Engineers, Inc.



Joel R. Middlebrooks, P.E.
Vice President