

Date: October 28, 2011
Folio No: 11228-03-02300
Location: Southwest corner of SW 9th Street & 9th Avenue
Applicant: Liberty Sites LLC.
Phone: 305-490-9527
Agent: Victor J. Bruce (A&I associates, Inc.)
Phone: 305-310-5030

Variance Application for:

- A. As per Section 32-731 (9)a.: A minimum of five feet of landscaped area shall be provided separating paved parking areas from buildings. The project has a width of 2'-6" of landscaped area separating parking with concrete pavers from buildings.
- B. As per Section 32-731 (9)c.: In townhouse groupings of six or more units, at least two units in such grouping shall have a variation in setback of at least five feet from that of an adjoining unit. Such required setback shall comprise at least half of each unit width. The project has two buildings of six townhouse units each. The width of the units from center to center of demising walls is 29'-8". All the units have a variation in setback of thirteen (13'-0") from the adjoining unit in eighteen feet and one inch (18'-1") of its width.

Section 32-965(b) criteria for variances:

1. *Special conditions and circumstances:*
- A. When the required side setbacks, the length of parking spaces, and the distance between buildings is applied to the project in the existing width of the lot (+/- 144'), the resulting space allows only for a maximum of two feet six inches (2'-6") of landscaped area between parking pavers and building.
- B. The required amount of parking spaces, the lack of space anywhere in the property, and the configuration of the units, define a building footprint that allows for parking in close proximity to each unit which results in the proposed front façade setback.



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2. *Do not result from the action of the applicant:*
 - A. The applicant has made the necessary modifications to the design, but has only been able to obtain half the required width which it proposes to landscape with native shrubs in accordance with the landscape requirements.
 - B. The applicant has made the necessary modifications to the design, but it is unable to change the footprint of the building and maintain the required number of resident parking spaces and the backup space.

3. *Granting the variance(s) requested will not confer any special privileges to the applicant:*
 - A. The variance request applies only to the landscaped area found between the parking and the buildings. This occurs only within the interior of the property and cannot be seen from either SW 9th Street or SW 9th Avenue. In other words, the condition is isolated to this townhouse community.
 - B. The variance request applies only to the front facades of each building facing each other and to the interior of the property. None of these facades can be seen from either SW 9th Street or SW 9th Avenue. In other words, the condition is isolated to this townhouse community.

4. *Literal interpretation of the Code would deprive the applicant of rights commonly enjoyed by other properties:*
 - A. The spirit of the Code is to prevent having pavement and building from meeting and the applicant is doing so by providing a landscaped area that separates these two elements.
 - B. The spirit of the Code is to prevent long unbroken facades that are not dynamic in form and the applicant is doing so by providing this necessary break to the front facade of both buildings.

5. *Variance granted is the minimum variance that will make possible the reasonable use:*

All other setbacks are being complied with. It is to the benefit of the general community for this project to meet the more stringent and



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required setbacks of front, rear and sides, and the distance requirement of 40'-0" between buildings.

6. *Granting of the variance will be in harmony with general intent and purpose of the Code:*

A. As stated in Item 4, the spirit, or the general intent and purpose, of the Code is to prevent having pavement and building from meeting and the applicant is doing so by providing a landscaped area that separates these two elements.

B. As stated in Item 4, the spirit, or the general intent and purpose, of the Code is to prevent long unbroken facades that are not dynamic in form and the applicant is doing so by providing this necessary break to the front façade of both buildings.

7. *That such a variance will not be injurious to the area involved or otherwise detrimental to the public welfare:*

A. As stated in Item 3, the variance request applies only to the landscaped area found between the parking and the buildings. This occurs only within the interior of the property and cannot be seen from either SW 9th Street or SW 9th Avenue. In other words, the condition will not be injurious to the area involved or otherwise detrimental to the public welfare.

B. As stated in Item 3, the variance request applies only to the front facades of each building facing each other and to the interior of the property. None of these facades can be seen from either SW 9th Street or SW 9th Avenue. In other words, the condition will not be injurious to the area involved or otherwise detrimental to the public welfare.



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