



## **Summary of Waivers**

April 11, 2017

Section 23-2.2 - Flexibility in Design Standards Application (Design Waiver). It is recognized by the City that flexibility in the application of development requirements may be necessary in certain situations and because of individual unique characteristics or circumstances. Waivers from the standards may be specifically requested and delineated by the applicant. Originally, the applicant requested 6 Design Waivers. Upon receiving comments during the Planning and Zoning Public hearing on January 5, 2017, and DRC review the applicant has revised his plan in an attempt to mitigate some of the concerns raised by Planning and Zoning Commission & DRC. It should be noted that there were no comments from the public.

Plan revisions and changes in waivers can be summarized below:

### **1) Railroad Setback Requirement:**

City of Maitland requirement for side and rear yard setbacks are 0' and 7.5' when the property abuts railroad right of way. Originally, the applicant requested a reduction of setback from 7.5' to 0' for two corners of the new building addition.

**Based on comments received from P&C and DRC, the building size has been reduced. The two corners of building addition have been pulled back from the railroad right of way. The proposed distances are now at 1.44' and 3.80'**

### **2) Parking Requirement:**

Originally, a waiver was requested for reduction of required parking spaces from 18 spaces to 17 spaces. The previously proposed 17 spaces included 14 on-site spaces and 3 on-street spaces. According to a lengthy discussion at P&Z, on-street parking should not be counted to satisfy parking requirement. The existing two parking spaces at the north-end of the parking lot are not desirable.

**Based on the reduction of floor area of the building addition, the proposed development now needs only 17 spaces. Maitland code allows 15% of the required parking spaces to be designed for compacted vehicles (8'x16') The revised plan shows all 17 on-site parking spaces, two of which are compacted spaces. This waiver is no longer needed.**

### **3) Pedestrian, Streetscape and Street Lighting Requirement (Sec 21-22)**

This request is to allow existing sidewalk, landscape parkway, on-street parking, and street lighting to continue in their existing conditions instead of following the design guidelines for Type II street (Figure VI-1 Downtown Maitland Development Guidelines)

Due to existing conditions it is not feasible to change landscape and streetscape elements and move existing building to meet the Type II street Development Guideline without making substantial modification to the roadway. In an attempt to comply with the intent of the Guidelines, the applicant proposed to narrow down the driveway and provide street trees (parkway) along N Park Avenue instead.

**Based on discussion at P&Z, a 5' sidewalk was needed to extend to the north property line with connection to the existing sidewalk in front of the building to south property line. This sidewalk and streetscape feature have been incorporated into the revised plan.**

#### **4) Building Height:**

Originally, a waiver was requested to allow the proposed building to be lower than the 23' minimum requirement and to match the existing building.

**This waiver is no longer needed, since the addition is less than 2,000 square feet.**

#### **5) Ceiling Height**

Originally, a waiver was requested for the new ceiling height to be lower than the 14' minimum required, due to existing building conditions.

**Upon further review of the code requirement the required height is measured from floor Slab to Slab. The applicant is able to meet this requirement. Therefore this waiver is no longer needed.**

#### **6) Street front Setback - Build to Line**

To allow less than 50% of the building front facade at the built-to-line as required for street type II per Sec.23-2.4.1(ii).

Due to peculiar shape of the site with long street frontage, it is not possible to meet this requirement. The existing and proposed addition would have to be very long and narrow and not functional. It should be noted that the existing and proposed building setbacks are at 16' and 19.8' respectively. These setback distances are already within the range of the required build to line distance of 16' to 23'.

**In an attempt to meet the intent of this section of the code, the applicant proposes to build a 3' knee wall along N Park Avenue to create a street "Hard Edge". This knee wall is one of the suggested options in the code.**