

June 24, 2019

City of West Palm Beach
Planning Division
401 Clematis Street
West Palm Beach, Florida 33402

**Re: Townhomes at Conniston
403 Conniston Rd and 3726 Lambert Avenue
West Palm Beach, Florida 33405
Justification Letter for Variance for Reduction in
Front Yard Setback Associated with Units 10 and 11**

To Whom it May Concern:

Development Introduction and Background:

The Townhomes at Conniston will consist of eleven (11) 2-story fee-simple townhomes within two buildings located at 403 Conniston Rd and 3726 Lambert Avenue, West Palm Beach. The two properties are contiguous with each other (see aerial exhibit). Generally, the development is located at the northeast corner of Lambert Avenue and Conniston Road. A 15' wide public alley abuts the east side of the property. The property currently has two residential structures with separate garage buildings which will be demolished as part of the development.

The property(s) are Zoned MF20 with a Land Use of MF. Townhouses are an allowed use and is the highest and best use for these properties.

Each townhome will include 3 bedrooms, 3 ½ baths and a two-car garage. Each unit will have a second-floor balcony outside the master bedroom suite facing Lambert Avenue. Each townhome will provide on-site brick paver parking spaces for guest parking located in front of each unit's garage. All garages and the rear of the townhomes will face east towards the 15' platted alleyway and the rear of the adjoining shopping center and restaurant east of the alley. The front of the townhomes will face west towards the adjoining residential homes located along Lambert Avenue and will include partially covered patios and front door entries. A brick paver sidewalk will be extended from each townhouse entry to the Lambert Avenue sidewalk for pedestrian access. Additionally, a central sidewalk will be extended from the 15' alley to Lambert Avenue between to two townhouse buildings so that visitors and residents can walk from the rear of the buildings and parking spaces to the front of the buildings. The front yards of each townhome will be fenced in with a 4' high open picket black aluminum fence and gates at each front entry walkway. (See the attached Site Plan)

Each townhouse unit will have approximately 2,300 sf of air-conditioned living area.

The applicant offers the following property and proposed development information:

1. The property is 31,056 square feet (0.713 acres);
2. Future Land Use Designation: MF;
3. Existing Zoning Designation: MF20 (20.26 DU/AC);
4. Permitted density is 20.26 du/ac x 0.713 acres = 14.44 DU. 11 DU are proposed;
5. Permitted Use per Section 94 - 76 (MF20) and 94 - 309(g) Townhouse;
6. Dimensional Requirements will be consistent with Section 94-309(g), 94 - 76, 94 - 302, and 94 - 305;
7. Parking will be consistent with Section 94 - 486 Table XV-6 (131) - 2 spaces per dwelling unit + 1/10 dwelling unit designated for guest parking where 24 required and 41 provided;
8. Landscaping will be consistent with Section 94 - 441-443;

Existing Site Conditions leading to a Variance Request:

The overall property is somewhat rectangular and orientated lengthwise from south to north. The development will consist of two townhouse buildings. The southern building will contain six (6) townhouse units and the northern building will contain five (5) townhouse units. At the northern end of the property, a portion of the dead-end cul-de-sac associated with Lambert Avenue protrudes 10 feet into the property beyond the linear right-of-way width of 15 feet. Additionally, the existing 15-foot-wide alley located on the east side of the property turns inward towards the property at its northern end. That turn further reduces the property width an additional 15 feet. Overall, the cul-de-sac and the alley turn reduces the property width approximately 25 feet at its northern end. This reduction effects the front setback for Units 10 and 11 to below the required 20-foot requirement for this zoning district and townhouse use. Staff has requested that the required rear setback of 10.5 feet be preserved to facilitate the movements of vehicles turning into and out of the driveways and garages from the 15-foot-wide alleyway.

Specific Variance Request:

The City has requested, and the applicant has agreed to develop "rear loaded" garage townhouse units on this property so that each unit's garage faces the existing alley and the rear of an existing shopping center. "Front loaded" garage townhouse units are allowed within this zoning district, however, if "front loaded" garages townhouses were developed, the garage doors would face Lambert Avenue with eleven (11) driveway connections to that street. Even though "front loaded" garages are allowed within this zoning district, the applicant (and City staff) believe a "front loaded" garage orientation would be detrimental to the overall appearance and streetscape of Lambert Avenue.

Townhouse developments typically contain units that are consistent in unit types, floor area, architecture and unit & building orientation. Due to the constriction in the east-west width of the property at its north end, the proposed townhouse units 10 and 11 located within the northernmost 5-unit building extend into the 20' front setback where it extends beyond the cul-de-sac right-of-way limits of Lambert Avenue. Staff has worked with the applicant to re-configure the Units 10 and 11 to maximize the available width of the front setback for each unit. Unit 10 was moved as far east

(towards the alley) as possible without encroaching into the 10.5' rear setback. Unit 11 was re-configured to make it wider and shorter. Although Unit 11's floor plan is different than the rest of the units within the development, its architectural elevations are consistent with the rest of the units.

Section 94-38(d)(6) – Variance Standards

As provided in Chapter 166, Florida Statutes, to authorize any variance from the provisions of the Zoning and Land Development Regulations, the application must be determined by the review authority that the application be consistent with the criteria for granting variances listed below, according to Article II, Section 94-38(d)(6) of the City of West Palm Beach Zoning and Land Development Regulations:

- A. The special conditions and circumstances exist which are peculiar to the land, structure or building involving and which are not applicable to other lands, structures or building in the same zoning district.

The Variance Request for approval to reduce the Front Yard Setback from the required front setback of 20' to 12.70' and 12.50' for Units 10 and 11, respectively. The request for variance is based upon the proximity of the additional right of way previously platted to accommodate the cul-de-sac at the northern terminus of Lambert Avenue where it abuts these two units. As no through traffic is located at the cul-de-sac, the encroachment of these units into the front setback will not have an adverse effect on the use of the adjoining ROW.

- B. The special conditions and circumstances necessitating the variance do not result from the action of the applicant.

Based upon needed consistency in architecture, floor area and orientation of townhouse product, which is allowed in the MF20 zoning district, the constriction of the property due to the adjacent cul-de-sac and alley alignment create a unique hardship to the applicant in being able to construct the development without consideration of a reduction in the front setback of Units 10 and 11. The zoning district allows the development of fourteen (14) multi-family units within the subject property, however, the applicant has reduced the number of allowed units to eleven (11) in an attempt to reduce the number of units requiring a front setback variance while providing a upscale townhouse development with sufficient habitable living space for families living in the immediate neighborhood.

- C. The granting of a variance requested will not confer on the applicant any special privilege that is denied to other lands, building or structures in the same zoning district.

The reduction in front setback will not confer on the applicant any special privilege due to the specific property constraints and its effect on constructing an architecturally consistent development with similar floor areas and price points. As provided above, the applicant has reduced the number of allowed units from fourteen (14) to eleven units (11) while providing a product that is desirable in the marketplace and enhances the overall condition of the surrounding neighborhood.

- D. The literal interpretation of the provisions of the regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district and would work unnecessary and undue hardship on the applicant.

The existing Connison Avenue cul-de-sac adjacent to Units 10 and 11 reduces the available front setback of 20' to 12.70' and 12.50', respectively due to the additional right-of-way required to accommodate the cul-de-sac and realignment of the alley east of the property. The MF20 zoning district allows Townhouse Use with both "front loaded" and "rear loader" garage orientations. The zoning district requires a 20' front setback, however, the applicant believes that the required setback does not contemplate "rear loaded" garage orientations which would typically allow a much smaller front setback. In similar "rear loaded" garage orientated developments, a reduction in front setback is allowed to promote "rear loading" of townhomes so that the enhanced front elevations of the townhouse units face the adjoining street without garage doors and associated driveways reducing streetscape landscape and buffering.

- E. The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.

Unit 10 has been moved as far towards the required rear setback to maximize the available front setback and front yard area. Additionally, Unit 11 has been shortened from front to back and widened from side to side to maximize the available front setback. The configuration of the front yard area is only restricted in width at its proximity to the platted cul-de-sac, however, the front yard expands significantly beyond the cul-de-sac. The reduction in the front setback will not adversely affect the intended use of the front yard areas associated with both units and provides reasonable use of the front yard amenities.

- F. The granting of a variance will be in harmony with the general intent & purpose of these regulations and the Comprehensive Plan.

The City is promoting the use of "rear loaded" townhouses for this development so that the front elevations of the townhouse units will face Lambert Avenue and the rear garage elevations face an alley and the rear service area of a shopping center. The proposed front elevations of the townhomes have been enhanced with architectural articulation and balconies. "Front loaded" townhouses with garages and driveways are an allowed use within the zoning district, however, the garages and associated driveways would then face Lambert Avenue and the adjoining neighborhood residences. Architecture associated with the garage side of townhomes offers far less architectural articulation due to the garage door occupying much of each unit's elevation. The applicant strongly believes the change from the proposed "rear loaded" garage orientation of the townhomes to a "front loaded" orientation would be detrimental to the streetscape of Lambert Avenue and the adjoining residences. In order to create "rear loaded" townhomes and provide consistency in floor area and unit orientation, a reduction in the front setback is necessary for Units 10 & 11 where they abut the cul-de-sac.

This reduction will not diminish the fact that “rear loaded” townhomes will provide superior and enhanced streetscape for the Lambert Avenue corridor over a “rear loaded” alternative.

G. The variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

Special consideration has been made to provide additional landscaping, trees and enhanced brick paver walks and patios within the front yard setback areas of Units 10 and 11 to buffer and soften the views of those townhouse units from the adjoining cul-de-sac and neighboring homes located both west and north of the development. Additionally, the Units are located at a dead-end street where only one existing single-family residence faces the units from across the cul-de-sac.

H. The property cannot be put to a reasonable use which fully complies with the requirements of this Code.

This development serves as a transitional use between the existing single family uses north and west of the property and the commercial uses located directly east and south of the property. The development of Townhomes within the subject property is the highest and best use of the property based upon its proximity to both the existing commercial and single-family uses abutting the property. As provided above, the applicant has reduced the number of allowed units from fourteen (14) to eleven (11) units in order to minimize impacts to zoning district requirements while maintaining financial feasibility for the development. The development enhances the surrounding neighborhood and promotes further development within the area.

I. The nonconforming use of the neighboring lands, structures or building in other zoning districts shall not be considered grounds for the authorization of a variance.

The applicant acknowledges that nonconforming uses outside the limits of the subject property and development will not be grounds for the authorization of a variance.

J. Financial hardship is not the only evidence of a hardship considered in the authorization of a variance.

The applicant acknowledges that financial hardship is not the only evidence of a hardship and has provided alternative hardships above which should be considered in the authorization of a variance.

If you have any questions or require any additional information, please do not hesitate to contact me at 954-914-8109 or at jkeith@tdondevelopment.com.

Best Regards,
TOWNHOMES AT CONNISTON, LLC

Jonathan Keith, P.E.