

The Unified Development Code (Section 5.17:6) requires a maximum streetwall height of 3 stories. The south elevation shows that the petitioner is proposing a streetwall that appears to exceed 3 stories. The garage level of the building (which has enclosed garages) adds a portion of a floor to the streetwall height which results in the streetwall height exceeding 3 stories.

Using the code, the building calculates out to being a three-story building.



This elevation and the submitted section shows three stories plus garage access. I can't quite determine from the plans submitted the access/configuration of the mezzanine/roof compared to the third story as well.

Also, if we modify the front landscaped patio area to go across the entire frontage then the garage wall is no longer an operative in this assessment, correct?

No, the building will still be creating an exterior face that fronts the street at a height greater than 3 stories.

Since your answer is short on specifics are you saying that the 4'8" portion of the exposed garage showing to the street is throwing the street wall definition beyond the 3 stories?

The City's UDC defines story as "That portion of a Building included between the surface of any Floor and the surface of the Floor next above it, or if there be no Floor above it, then the space between the Floor and the ceiling next above it. . ." The street elevation here exceeds this by extending beyond the 3 stories. I can't tell the dimension at the east portion of the site, but it appears the dimension at the west portion is approximately 10 feet based on the elevations provided.

In addition, in looking at the adjacent 309 North Ashley structure with the same 3 story street wall requirement to Miller, along with the same grade fall angle, and almost the same garage exposure ratio to elevation (it is greater than what 212 has) how is that allowed at 309 and not at 212?

Why is the approved 3 story street wall of the 309 building with more built garage level exposed allowed/acceptable but, the 3 story street wall of the 212 building with less built garage level exposed not?

I haven't researched this project elevation yet. It is possible that the review missed this factor or other circumstances were applicable. I will have Mr. Kahan review in advance of the DRB meeting. Nonetheless, developments are not evaluated against one another, but rather the City's Ordinances.

The south façade of the building includes a cantilevered portion with a glass wall. Staff does not consider floor to ceiling features such as this to be a bay window (bay windows are allowed to protrude into a setback up to 2 feet). Therefore, if it protrudes into the 15-foot front setback (minimum front setback), it would be inconsistent with City code.

Am I correct in my reading, the UDC does not have a definition of "bay window"? I do not see it in the listed definitions. Is it found somewhere else in the city ordinances? Could you please direct me there?

Yes, you are correct, the UDC does not define the term "bay window", nor am I familiar with its definition elsewhere in the City Code.

It is not clear why the proposed bay window at 212 is not a bay window. With a concise reason revealed we can operate on bringing it into that compliance.

I haven't discussed with Mr. Kahan to date, however, I think the interpretation could be based on the projection representing approximately 1/3 of the entire south façade being more substantial than an architectural feature. It appears by the section and floor plans provided that the building is designed with this as permanent floor area as well, rather than an added architectural feature akin to a balcony, eave, or other projection on the exterior wall of a building.

Upon his return next week, I'll discuss with Mr. Kahan and we can provide a more definitive response and if consistent, can provide you with information about the interpretation process to the Zoning Board of Appeals.