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City of Delray Beach
Development Services Division
100 N. W. 1st Avenue
Delray Beach, Fl. 33444

Re: Magnolia Place (Lot 2)
160/166 SE 1st Avenue
Waiver from LDR Section 4.6.16(E)(12) – Artificial Turf
Delray Beach, Florida 33483

To Whom It May Concern:

Please accept this letter requesting a waiver from the Historic Preservation Board for Magnolia Place for Lot 2 of the duplex residences at the above-mentioned property.

We are requesting a waiver from the requirements LDR Section 4.6.16(E)(12), which states:

LDR Section 4.6.16(E)(12) - Artificial Turf. Artificial turf is allowed on both residential and non-residential properties, subject to the following requirements

(a) General.

- (i) The installation of artificial turf requires a landscape permit. ***Acknowledged.***
- (ii) Artificial turf areas may not be included in open space calculations. ***Variance requested.***
- (iii) Artificial turf is considered previous but cannot be used within permanent drainage features, including ponds and swales. ***This requirement has not been met but our civil engineer has provided calculations demonstrating that the drainage does properly function with the installed turf.***
- (iv) Artificial turf shall not be installed closer than five feet to the property line. ***This requirement has not been met, there are areas where the turf is within 2'-0" of the property line.***
- (v) Artificial turf shall not be installed in or be visible from a public or private right-of-way. ***This requirement has not been met, there has been turf installed within the front yard.***
- (vi) Artificial turf may be used in combination with living plants as part of a landscape design, but artificial turf shall not by inset constitute landscaping. ***Artificial turf is being utilized with live plants but installed as a border and not inset into the turf.***

- (b) Locational criteria.
- (i) Residential and commercial uses. Residential and commercial properties are subject to the following additional criteria:
1. After building coverage, hardscaping areas, and minimum open space requirement areas are subtracted from the total lot area, no more than 15 percent of the remaining lot area may be comprised of artificial turf. **Code requirement is 26 sq. ft., proposed request for 764 sq. ft.**
 2. Artificial turf is allowed in rear and interior side yards, and in side street yards when shielded from view. Artificial turf may also be used in conjunction with driveway pavers. **This requirement has been met.**
- ~~(ii) Recreational uses. Artificial turf is allowed in recreational use areas, and is not required to be shielded from view. (Ord. No. 11-23, § 3, 9-5-23) Not applicable.~~
- (iii) Historic. On properties located within a Historic District or on Individually Designated Sites, as listed on the Local Register of Historic Places, artificial turf is only allowed in rear and side yards and must be shielded from view. **This requirement has not been met because turf has been installed in the front yards.**
- (c) Materials and installation. All artificial turf must comply with the following minimum standards for materials and installation.
- (i) The artificial turf system shall be lead-free, and use recycled or organic plant-derived materials and natural infill components, including, but not limited to, cork, coconut, corn husk, rice husk, and sand. The use of crumb rubber and other synthetic materials shall be prohibited in all applications except for sports fields. Documentation must be provided that identifies all recyclable or natural components of the artificial turf system. **100% recyclable, see attached documentation.**
 - (ii) Permit applications shall include Total Content Leach Protocol (TCLP) test documentation demonstrating that the artificial turf yarn and backing materials are disposable under normal conditions at any U.S. landfill station. **100% bacteria free, non-toxic and non-flammable.**
 - (iii) A minimum eight-year manufacturer's warranty is required. **10-year warranty with turf product installed.**
 - (iv) All artificial turf shall be installed over a subgrade that provides positive drainage and an evenly graded mass of compacted, porous crushed rock aggregate material. Bases may not be comprised of sand only. Proper drainage shall be provided for all artificial turf installations to prevent runoff or pooling of water. **Turf was installed over "Pearock" and "20/30 Silica".**
 - (v) Artificial turf must be designed and permitted with a minimum permeability of 30 inches per hour per square yard. **See attached letter from civil engineer on drainage performance.**
 - (vi) Artificial turf must have lifelike individual blades of grass that emulate natural turf or sod lawn areas with the grain pointing in a single direction, and no visible seams. **Product and installation meets and satisfy these criteria.**
 - (vii) Artificial turf shall not be installed directly against the trunk of trees or palms. A three-foot mulch bed measured from the base of the tree or palm must be maintained. Installation around existing trees shall be monitored and may be restricted to ensure that the overall health of the tree will not be compromised. **This requirement was met with the installation and will continue to be monitored through the HOA documents.**

- (viii) An in-progress inspection shall be required to ensure that the appropriate base material has been installed to manufacturer specifications. A final inspection shall also be required. **Acknowledged.**
- (d) Maintenance. Artificial turf shall be maintained free of dirt, mud, stains, weeds, debris, tears, holes, impressions, and fading. Maintenance shall include, but not be limited to cleaning, brushing, debris removal, repairs of depressions and ruts to maintain a visually-level surface; elimination of any odors, flat or matter areas, weeds, and invasive roots, and maintenance of edges. **Acknowledged.**

Per LDR Section 2.4.11 (B)(5), **Findings.** Prior to granting a waiver, the granting body shall make findings that the granting of the waiver:

- (a) Shall not adversely affect the neighboring area;

We believe the granting of this waiver is justified at the above property due to this not visually impacting the historic character of the neighborhood. The visual elements of the property are the installed trees and bushes which are code-compliant and creating a lush setting for the lot.

- (b) Shall not significantly diminish the provision of public facilities;

Will have no impact on the provisions of the public facilities.

- (c) Shall not create an unsafe situation; and

Will not create an unsafe situation.

- (d) Does not result in the grant of a special privilege in that the same waiver would be granted under similar circumstances on other property for another applicant or owner.

We believe that this waiver request would be granted to other properties with similar downtown urban locations due to the way the current code for "artificial turf" is written for the entire City of Delray Beach. As written, this property would be allowed 26 square feet.

The property is located in the historic OSSHAD zoning with the following required setbacks:

Front setback: 25'-0"

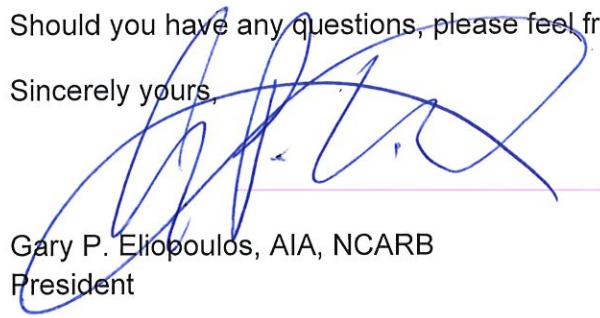
Side street setback: 15'-0"

Side interior setback: 7'-6"

Rear setback: 10'-0"

Should you have any questions, please feel free to contact me at our office (561) 276-6011.

Sincerely yours,



Gary P. Eliopoulos, AIA, NCARB
President