

October 24, 2025

Alexia Howald, LEED® Green Associate™, AICP
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CITY OF DELRAY BEACH
Development Service Department
100 NW 1st Avenue
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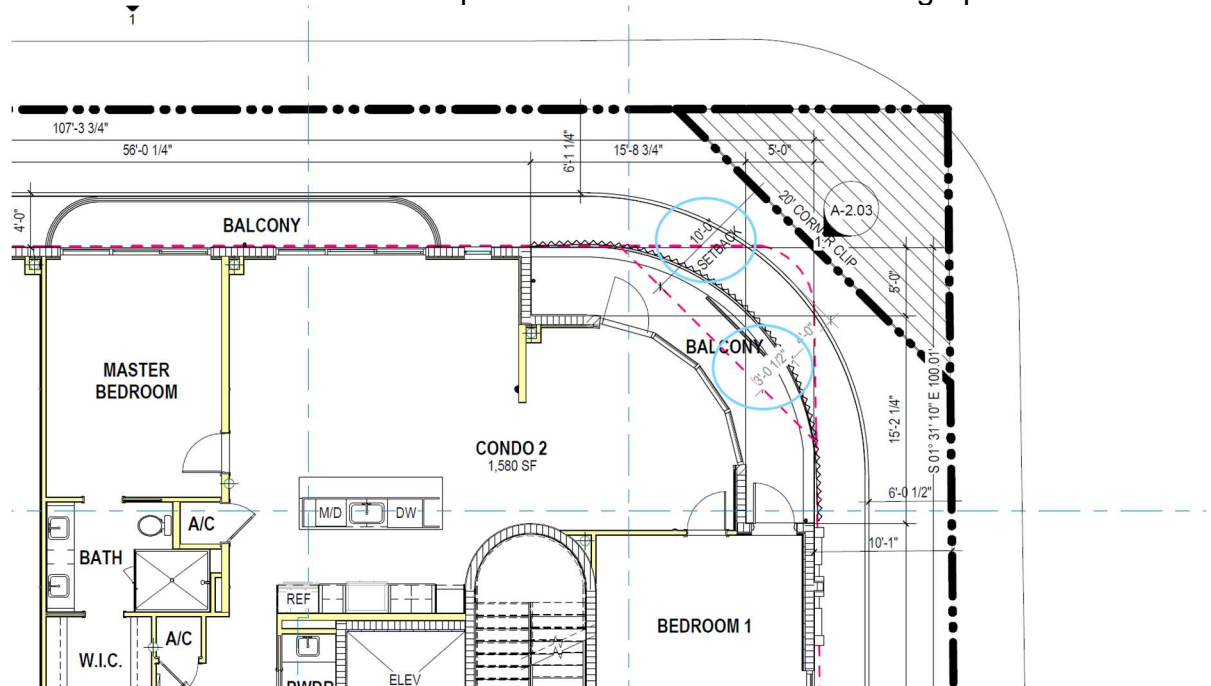
Urban Design
Land Planning
Landscape Architecture

Re: **398 NE 6TH AVENUE**
RESPONSE TO COMMENTS – 4TH REVIEW

Dear Ms. Howald:

As offered in your comment #19 of the October 15, 2-025 Review No. 4, this letter is requesting a waiver pursuant to Code Section LDR4.4.13(D)(1)(b), for a partial encroachment of a balcony and entry overhang into the front setback beyond the 4 feet allowed at the northeast corner of the site and building.

The proposed development has a mix of uses with commercial space on the ground level and residential units on the upper levels. The building has been designed and approved by the City Commission for the Art Deco style, of which there is a covered entry and balconies provided for the residential units that encroach into the minimum required 10 foot setback. The balconies along the frontages of NE 6th Avenue and NE 4th Street comply with the setback encroachment of 4 feet, however due to the dedicated corner clip at the northeast corner and intersection of the two roads, the covered entry and balconies on the upper floors that continue around the street corner and main entry to the building encroach 7' – 1/2" and 3' - 1/2" respectively into the setback measured from the corner clip as shown below and attached graphics.



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Respectfully, a waiver is requested to allow these encroachments at the corner which provide the proper treatment of the Art Deco architectural style that has been approved by the City Commission as well as functional space in a covered entry and balcony space for the residential unit.

Pursuant to Code Section LDR 2.4.11.(B), prior to granting a waiver, the granting body shall make findings of the waiver as indicated below.

(a) *Shall not adversely affect the neighboring area.*

Applicant Response: the encroachment occurs at the northeast corner of the intersection of NE 6th Avenue and NE 4th Street and will have no adverse effect. The waiver is for upper level balconies that do not conflict with site visibility or pedestrian circulation but will significantly compliment the architectural style and provide a continuation of the balconies along the street frontages.

(b) *Shall not significantly diminish the provision of public facilities.*

Applicant Response: the encroachment does not extend into public right of way and does not conflict with any public facilities or cause visibility conflicts.

(c) *Shall not create an unsafe situation.*

Applicant Response: as indicated, the encroachment occurs above the main entry and in the upper floors of the proposed building, providing proper and consistent architectural features and functional outdoor balcony space for the residential units. The encroachments do not conflict with any pedestrian area at ground level or create any unsafe condition.

(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.*

Applicant Response: all waivers are to be treated on a case by case basis. This particular project has been approved by the City Commission for the Art Deco style of which the covered entry and balconies that encroach being an integral part of the building.

(e) *Within the CBD, the following additional findings apply:*

1. *The waiver shall not result in an inferior pedestrian experience along a Primary Street, such as exposing parking garages or large expanses of blank walls.*

Applicant Response: as indicated, the encroachment occurs only at the northeast corner of the building, providing a proper covered entry and outdoor balcony space for the residential units. The encroachment does not conflict with any pedestrian area at ground level

2. *The waiver shall not allow the creation of significant incompatibilities with nearby buildings or uses of land.*

Applicant Response: the encroachment occurs at the northeast corner of the intersection of NE 6th Avenue and NE 4th Street and will have no adverse effect. The waiver is for a proper covered entry and upper level balconies that do not conflict with site visibility or pedestrian circulation but will significantly compliment the architectural style, provide a covered entry and continuation of the balconies along the street frontages and improve the overall street frontage appearance.

3. *The waiver shall not erode the connectivity of the street and sidewalk network or negatively impact any adopted bicycle/ pedestrian master plan.*

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Applicant Response: The waiver is for the encroachments do not conflict with site visibility or pedestrian circulation but will significantly compliment the architectural style and provide for a proper covered entry and continuation of the balconies , enhancing the streetscape and connectivity of the street and sidewalk network with shaded/covered areas above the entry and sidewalk.

4. *The waiver shall not reduce the quality of civic open spaces provided under this code.*

Applicant Response: This criterion is not application to this request.

The curved covered main entry and upper floor balcony overhangs is an intentional architectural feature at the prominent corner of the project and compliments the overall design language of the building. Enforcing an additional 10 foot setback beyond the required 20' corner clip will severely compromise the architectural expression and diminish the prominence of the corner entry. Importantly, both the covered entry overhang and the upper-floor balconies are positioned above eye level and will not obstruct pedestrian circulation or driver visibility along NE 6th Avenue or NE 4th Street.

We respectfully request City staff support this application as it is presented to the Planning & Zoning Board and City Commission in conjunction with the Site Plan application. Should you require further information, please contact me.

Sincerely,

URBAN DESIGN STUDIO

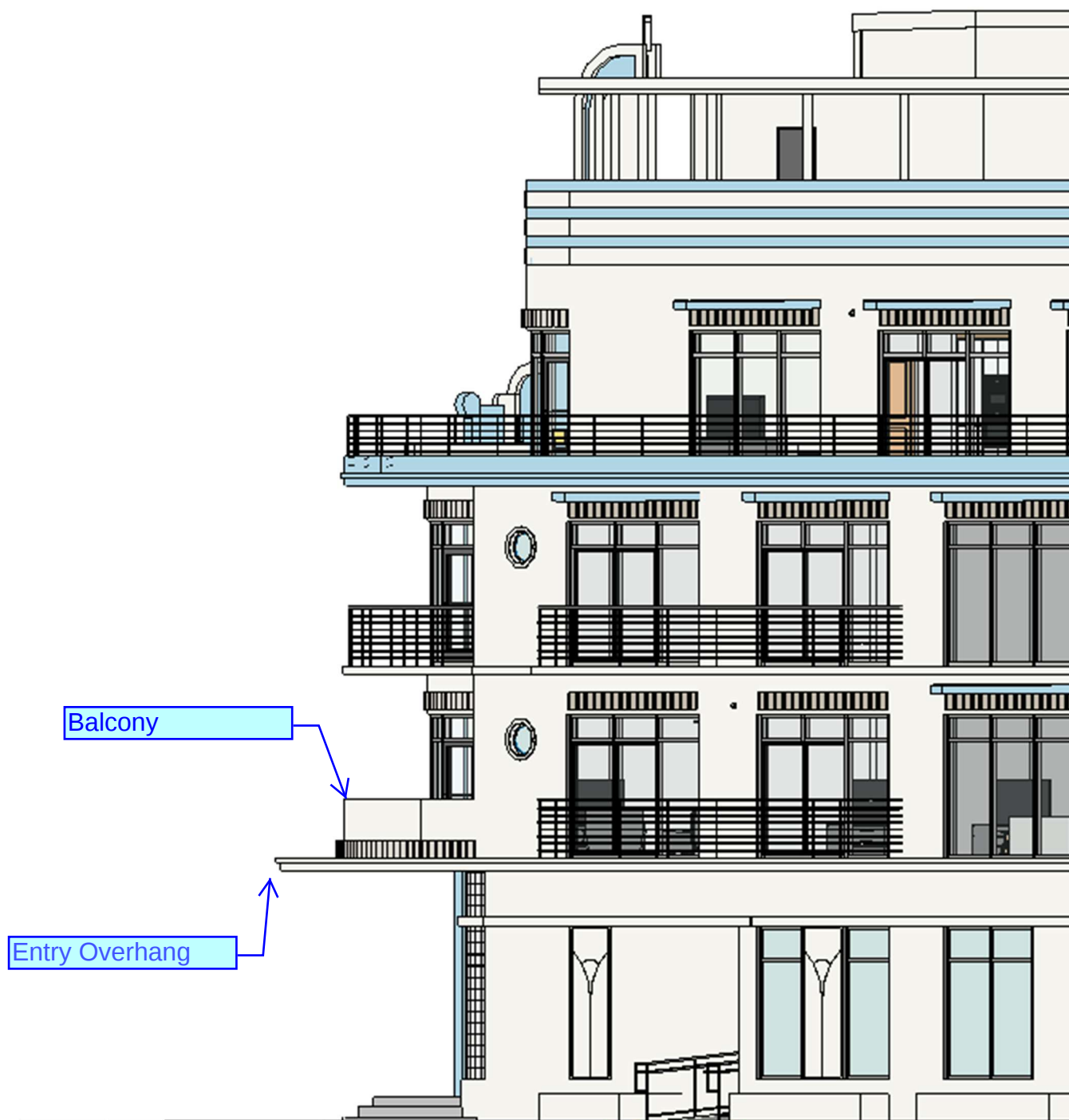


Bradley Miller

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ATTACHMENTS

ELEVATION LOOKING SOUTH



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BIRDS EYE VIEW I

