

Project Narrative

The project proposal includes 2 requests.

The first request is to install a retractable awning on the southwest portion of the property to mitigate heat access to the southwest portion of the property. The installation of clear non energy efficient windows to meet historic guidelines minimally protects the home from the sun's heat. The retractable awning, not visible when retracted, will be used mostly in summer months when the heat is most notable. The awning is 15' wide and 7' deep. The frame of the retractable awning is aluminum and the fabric is canvas.

The second request is to install a safety railing on the west, north, south and east portion of the flat roof on the northeast portion of the property. The use of the railings is to provide safe access to the roof for maintenance and for occasional use of the rooftop deck as an openair terrace. Access to the roof will be via a exterior spiral staircase located at the rear of the property. As the spiral staircase will be installed within the setback, a variance is required for a portion of the setback to incorporate a 5'-6' spiral staircase. The positioning of the staircase steps will be finalized by the staircase company at time of permit.

The project meets the permitted use of roof top terraces per Section 4.3.3 *Special Requirements for Specific uses* as follows:

(2) ***Allowable rooftop uses.*** (Ord. No. 02-21, § 2, 3-2-21)

- (a) ***Rooftop uses in all residential zoning districts.*** Rooftop uses shall not be located higher than 26 feet and shall be limited to open air terraces and amenities that are ancillary or accessory to the principal use, including but not limited to outdoor kitchen areas, swimming pools, and hot tubs. Rooftops located higher than 26 feet shall not have rooftop uses, may only be accessed for maintenance and repair, and shall not provide elevator access. (Ord. No. 02-21, § 2, 3-2-21)

(3) ***General design standards for rooftop uses and terraces.*** All rooftop uses and terraces shall meet the following: (Ord. No. 02-21, § 2, 3-2-21)

- (a) Features or structures shall not extend beyond the maximum building height, except pursuant to [Section 4.3.4\(J\)\(3\)](#), "Exceptions to zoning district height", or as specifically increased by the zoning district regulations. (Ord. No. 02-21, § 2, 3-2-21)
- (b) Parking must be provided for principal uses, such as restaurant seating, located on rooftops. Parking is not required for amenities that are ancillary or accessory to the principal use, such as a swimming pool for a condominium. (Ord. No. 02-21, § 2, 3-2-21)
- (c) Rooftop use areas greater than 100 square feet and located below the maximum building height shall landscape a minimum of ten percent of the rooftop use area. Rooftop use areas that are located at the maximum building height shall landscape a minimum of 20 percent. Landscaping shall consist of trees, shrubs, ground cover, and vines. (Ord. No. 02-21, § 2, 3-2-21)
- (d) Rooftop use areas shall be hardscaped with materials that reduce the urban heat island effect such as cool or reflective roofs, patterned concrete, pavers, or wood decking. Open-air shade elements, such as awnings, trellises, and shade sails are allowed up to ten feet in height subject to the setback requirements of the zoning district. (Ord. No. 02-21, § 2, 3-2-21)
- (e) Railings and parapets shall be provided as follows: (Ord. No. 02-21, § 2, 3-2-21)
 - 1. The full perimeter of rooftop use area shall be surrounded by a parapet or railing at a minimum height of four feet that is consistent with the architectural style. (Ord. No. 02-21, § 2, 3-2-21)

JUSTIFICATION STATEMENT

VISUAL COMPATABILITY STANDARDS

CITY OF DELRAY BEACH

PUCCI RESIDENCE

303 SE 7TH AVE

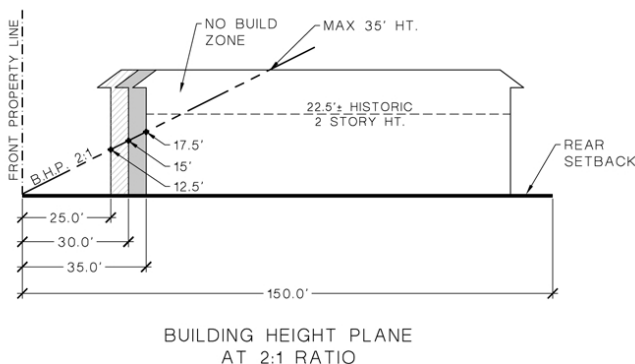
To the members of the Historic Preservation Board of Delray Beach, Florida

Below is an explanation/response of the visual compatibility standard criteria used on the proposed rehabilitation and addition to the property noted above.

4.5.1 (E) (7) Visual compatibility standards. New construction and all improvements to both contributing and noncontributing buildings, structures and appurtenances thereto within a designated historic district or on an individually designated property shall be visually compatible. In addition to the Zoning District Regulations, the Historic Preservation Board shall apply the visual compatibility standards provided for in this Section with regard to height, width, mass, scale, façade, openings, rhythm, material, color, texture, roof shape, direction, and other criteria set forth elsewhere in [Section 4.5.1](#). Visual compatibility for minor and major development as referenced in [Section 4.5.1\(E\)\(2\)](#) shall be determined by utilizing criteria contained in (a) through (m) below. Visual compatibility for all development on individually designated properties outside the district shall be determined by comparison to other structures within the site. [Amd. Ord. 30-08 09/16/08]; [Amd. Ord. 38-07 2/5/08]

(a) Height. The height of proposed buildings or modifications shall be visually compatible in comparison or relation to the height of existing structures and buildings in a historic district for all major and minor development. For major development, visual compatibility with respect to the height of residential structures, as defined by [4.5.1\(E\)\(2\)\(a\)](#), shall also be determined through application of the following: [Amd. Ord. 38-07 2/5/08]

1. Building Height Plane (BHP): The building height plane technique sets back the overall height of a building from the front property line. [Amd. Ord. 38-07 2/5/08]
1. a) The building height plane line is extended at an inclined angle from the intersection of the front yard property line and the average grade of the adjacent street along the lot frontage. The inclined angle shall be established at a two to one (2:1) ratio. See illustration below. [Amd. Ord. 38-07 2/5/08]

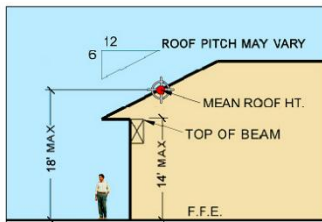


NA There are no proposed changes to the building height plan. 4.5.1 (E) (7) (1-3) are not applicable

b) A structure relocated to a historic district or to an individually designated historic site shall be exempt from this requirement. [Amd. Ord. 38-07 2/5/08]

2. First floor maximum height. Single-story or first floor limits shall be established by: [Amd. Ord. 01-12 8/21/12]; [Amd. Ord. 38-07 2/5/08]

- a. Height from finished floor elevation to top of beam (tie or bond) shall not exceed 14 feet. [Amd. Ord. 38-07 2/5/08]p
- b. Mean Roof Height shall not exceed 18 feet. [Amd. Ord. 38-07 2/5/08]
- c. If any portion of the building exceeds the dimensions described in a. and b. above, the building shall be considered a multi-story structure. [Amd. Ord. 01-12 8/21/12]; [Amd. Ord. 38-07 2/5/08]
- d. See illustration below: [Amd. Ord. 38-07 2/5/08]



e. Sections a., b., and c., above may be waived by the Historic Preservation Board when appropriate, based on the architectural style of the building. [Amd. Ord. 01-12 8/21/12]; [Amd. Ord. 38-07 2/5/08]

3. Upper Story Height(s). Height from finished floor elevation to finished floor elevation or top of beam (tie or bond) shall not exceed 12 feet. [Amd. Ord. 01-12 8/21/12]; [Amd. Ord. 38-07 2/5/08]

(b). Front facade proportion. The front facade of each building or structure shall be visually compatible with and be in direct relationship to the width of the building and to the height of the front elevation of other existing structures and buildings within the subject historic district [Amd. Ord. 38-07 2/5/08]

There are no proposed changes to the front façade building or structure. The Proposed awning is compatible with similar awnings within the Marina Historic District

(c) Proportion of openings (windows and doors). The openings of any building within a historic district shall be visually compatible with the openings exemplified by prevailing historic architectural styles of similar buildings within the district. The relationship of the width of windows and doors to the height of windows and doors among buildings shall be visually compatible within the subject historic district. [Amd. Ord. 38-07 2/5/08]

NA There is no proposed change to windows and doors.

d). Rhythm of solids to voids. The relationship of solids to voids of a building or structure shall be visually compatible with existing historic buildings or structures within the subject historic district for all development, with particular attention paid to the front facades. [Amd. Ord. 38-07 2/5/08]

NA There is no proposed change to the relationship of Solids to voids

(e). Rhythm of buildings on streets. The relationship of buildings to open space between them and adjoining buildings shall be visually compatible with the relationship between existing historic buildings or structures within the subject historic district. [Amd. Ord. 38-07 2/5/08]

NA There is no proposed change to the proposed structure that affects the rhythm of the building to open spaces and adjoining buildings.

(f). Rhythm of entrance and/or porch projections. The relationship of entrances and porch projections to the sidewalks of a building shall be visually compatible with existing architectural styles of entrances and porch projections on existing historic buildings and structures within the subject historic district for all development. [Amd. Ord. 38-07 2/5/08]

NA There is no proposed change to the entrance and or porch projections.

(g). Relationship of materials, texture, and color. The relationship of materials, texture, and color of the facade of a building and/or hardscaping shall be visually compatible with the predominant materials used in the historic buildings and structures within the subject historic district. [Amd. Ord. 38-07 2/5/08]

The materials to be used are as follows

Awning – color stone. Frame - Sand

Railing – Bronze Aluminum

These colors are consistent and compatible with other homes in the historic district.

(h). Roof shapes. The roof shape, including type and slope, of a building or structure shall be visually compatible with the roof shape of existing historic buildings or structures within the subject historic district. The roof shape shall be consistent with the architectural style of the building. [Amd. Ord. 38-07 2/5/08]

NA There is no proposed change to the roof structure..

(i). Walls of continuity. Walls, fences, evergreen landscape masses, or building facades, shall form cohesive walls of enclosure along a street to ensure visual compatibility with historic buildings or structures within the subject historic district and the structure to which it is visually related. [Amd. Ord. 38-07 2/5/08]

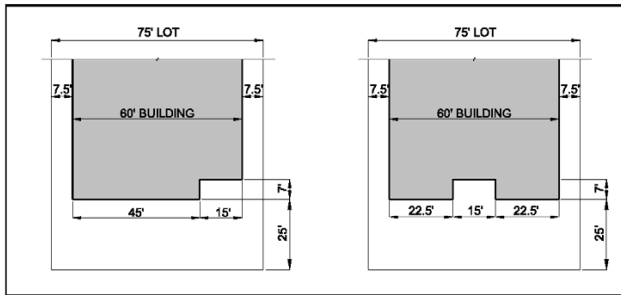
NA There is no proposed change to any walls of enclosure.

(j). Scale of a building. The size of a building and the building mass in relation to open spaces, windows, door openings, balconies, porches, and lot size shall be visually compatible with the building size and mass of historic buildings and structures within a historic district for all development. To determine whether the scale of a building is appropriate, the following shall apply for major development only: [Amd. Ord. 38-07 2/5/08]

1. For buildings wider than 60 percent of the lot width, a portion of the front façade must be setback a minimum of seven additional feet from the front setback line: [Amd. Ord. 38-07 2/5/08]

- a. Lots 65 feet or less in width are exempt from this requirement. [Amd. Ord. 38-07 2/5/08]

- b. To calculate how much of the building width must comply with this provision, multiply the lot width by 40 percent and subtract the required minimum side setbacks (example: 100' lot width x 40% = 40' - 15' side yard setbacks = 25'). [Amd. Ord. 38-07 2/5/08]
- c. Any part or parts of the front façade may be used to meet this requirement. [Amd. Ord. 38-07 2/5/08]
- d. See illustration below: [Amd. Ord. 38-07 2/5/08]



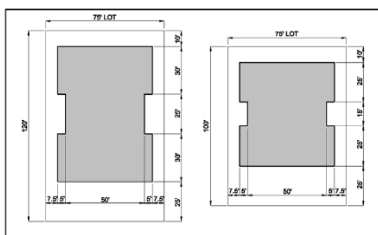
e). If the entire building is set back an additional seven (7) feet, no offset is required. [Amd. Ord. 38-07 2/5/08]

2). For buildings deeper than 50 percent of the lot depth, a portion of each side façade, which is greater than one story high, must be setback a minimum of five additional feet from the side setback line: [Amd. Ord. 38-07 2/5/08]

a). To calculate how much of the building depth must comply with this provision, multiply the lot depth by 50 percent and subtract the required minimum front and rear setbacks (example: 120' lot depth x 50% = 60' - 25' front yard setback - 10' rear setback = 25'). [Amd. Ord. 38-07 2/5/08]

b). Any part or parts of the side façades may be used to meet this requirement. [Amd. Ord. 38-07 2/5/08]

c). See illustration below: [Amd. Ord. 38-07 2/5/08]



d). If the entire building is set back an additional five feet from the side, no offsets are required on that side. [Amd. Ord. 38-07 2/5/08]

NA There is no proposed change to the scale of the building

3. Porches may be placed in the offset portion of the front or side façades, provided they are completely open except for supporting columns and/or railings. [Amd. Ord. 38-07 2/5/08]

NA there is no proposed change to the front porch.

k). Directional expression of front elevation. A building shall be visually compatible with the buildings, structures, and sites within a historic district for all development with regard to its directional character, whether vertical or horizontal. [Amd. Ord. 38-07 2/5/08]

NA. There is no proposed change to the directional expression of the front elevation..

(l). Architectural style. All major and minor development shall consist of only one architectural style per structure or property and not introduce elements definitive of another style. [Amd. Ord. 38-07 2/5/08]

The proposed retractable awning does not change the homes existing architectural style. The proposed railing is compatible with existing balcony railings and does not change the home's existing architectural style.

(m). Additions to individually designated properties and contributing structures in all historic districts. Visual compatibility shall be accomplished as follows: [Amd. Ord. 01-12 8/21/12]; [Amd. Ord. 38-07 2/5/08]

1. Additions shall be located to the rear or least public side of a building and be as inconspicuous as possible. [Amd. Ord. 38-07 2/5/08]

2. Additions or accessory structures shall not be located in front of the established front wall plane of a historic building. [Amd. Ord. 38-07 2/5/08]

3. Characteristic features of the original building shall not be destroyed or obscured. [Amd. Ord. 38-07 2/5/08]

NA There is no proposed addition

4. Additions shall be designed and constructed so that the basic form and character of the historic building will remain intact if the addition is ever removed. [Amd. Ord. 38-07 2/5/08]

NA There is no proposed addition.

5. Additions shall not introduce a new architectural style, mimic too closely the style of the existing building nor replicate the original design, but shall be coherent in design with the existing building. [Amd. Ord. 38-07 2/5/08]

NA There is no proposed addition.

6. Additions shall be secondary and subordinate to the main mass of the historic building and shall not overwhelm the original building. [Amd. Ord. 38-07 2/5/08]

NA There is no proposed addition

PROJECT RELIEF REQUEST

Identify if the proposal requires relief from any of the applicable requirements noted in the Land Development Regulations. If no relief is being requested, check the first box under each section below.

WHAT TYPE OF RELIEF IS BEING SOUGHT:

☒ VARIANCE ☐ WAIVER ☐ INTERNAL ADJUSTMENT ☐ IN-LIEU OF PARKING

☐ REQUIRED FEE(S) ATTACHED IN THE AMOUNT OF: _____

Has a request for relief been previously filed with the City of Delray Beach regarding the subject property? If so, please state the nature of the relief request, the project file number, and whether the relief was granted or denied. Attach separate sheet if necessary.

VARIANCE

☐ NO VARIANCES REQUESTED OR APPLICABLE

☒ HISTORIC: ATTACH JUSTIFICATION STATEMENT THAT ADDRESSES THE CRITERIA IN LDR SECTION 2.4.11(A)(6)

☐ NON-HISTORIC: ATTACH JUSTIFICATION STATEMENT THAT ADDRESSES THE CRITERIA IN LDR SECTION 2.4.11(A)(5)

WAIVER

☒ NO WAIVERS REQUESTED

☐ ATTACH JUSTIFICATION STATEMENT THAT ADDRESSES THE WAIVER FINDINGS IN LDR SECTION 2.4.11(B)

☐ ATTACH PLANS AND OTHER DOCUMENTS NEEDED (I.E. SURVEY, SITE PLAN, ETC.) FOR REVIEW OF REQUEST.

INTERNAL ADJUSTMENT

☐ NO INTERNAL ADJUSTMENTS REQUESTED

☒ ATTACH JUSTIFICATION STATEMENT THAT ADDRESSES THE FINDINGS IN LDR SECTION 2.4.11(C)

REQUEST

LDR SECTION	REQUIREMENT	EXISTING	PROPOSED REQUEST
4.3.4(K)	10'	9'.62"	6' reduction of setback to 3'.62"

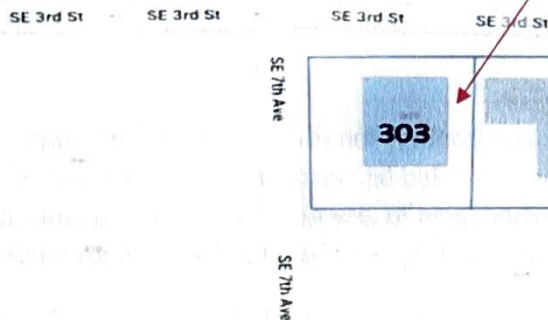
JUSTIFICATION STATEMENT – REAR SET BACK VARIANCE

Dear Sir or Madam,

Our family and I are respectfully requesting a variance from the City of Delray Beach's Historic Preservation Board for our home located at 303 SE 7th Ave. to reduce a portion of the rear existing 9'62" setback to 3'62". The LDR section we are requesting relief from is 4.3.4(K) which identifies setback requirements.

We are requesting this variance to install a 6' spiral staircase at the rear of the home located within the setback at a planned height of 10'. Although this variance would result in a 3'62" setback for a portion of the rear setback, there would be no impact to neighboring properties as the rear lot line abuts the east neighbor's driveway. Moreover, the spiral staircase is not a permanent structure as it can be removed.

It should be noted that the property is an unusually shaped lot whereby the back of the house is the narrowest portion of the property (see arrow below) and is the reason why this variance is requested.



Original lot zoned as R-1-AA was parcelled into 2 lots. Setback requirements remained as if it was a larger lot

The variance justification is supplemented by the following findings per Section 2.4.11(A)(5)

- a) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not generally applicable to other lands, structures, or buildings subject to the same zoning. Economic hardship shall not constitute a basis for the granting of a variance.

Findings: The special condition is that the property's lot was re-platted from a large rectangular shaped lot similar to the remaining lots south of the structure to a smaller rectangular lot on the west side of the parcel. This smaller replatted parcel has a designation of R-1-AA which is customarily provided to lots that are much larger in size.

- b) That literal interpretation of the regulations would deprive the applicant of rights commonly enjoyed by other properties subject to the same zoning.

Findings: The literal or non-literal interpretation of the provisions of existing ordinances are not affected by the proposed improvement.

- c) That special conditions and circumstances have not resulted from actions of the applicant.

Findings: The special conditions and circumstances are not due to the actions of the applicant.

- d) That granting the variance will not confer onto the applicant any special privilege that is denied to other lands, structures and buildings under the same zoning. Neither the permitted, nor nonconforming use, of neighborhood lands, structures or buildings under the same zoning shall be considered grounds for the issuance of a variance

Findings: The granting of the variance does not provide a special privilege denied to other homeowners within the district and neither the permitted or nonconforming use of structures under the same zoning within the district is grounds for issuance of the variance.

- e) That the reasons established in the variance petition justify the granting of the variance and that the variance is the minimum variance that will make possible the reasonable use of the land, building, structure.

PROJECT RELIEF REQUEST

Identify if the proposal requires relief from any of the applicable requirements noted in the Land Development Regulations. If no relief is being requested, check the first box under each section below.

WHAT TYPE OF RELIEF IS BEING SOUGHT:

☒ VARIANCE ☐ WAIVER ☐ INTERNAL ADJUSTMENT ☐ IN-LIEU OF PARKING

☐ REQUIRED FEE(S) ATTACHED IN THE AMOUNT OF: _____

Has a request for relief been previously filed with the City of Delray Beach regarding the subject property? If so, please state the nature of the relief request, the project file number, and whether the relief was granted or denied. Attach separate sheet if necessary.

VARIANCE

☐ NO VARIANCES REQUESTED OR APPLICABLE

☒ HISTORIC: ATTACH JUSTIFICATION STATEMENT THAT ADDRESSES THE CRITERIA IN LDR SECTION 2.4.11(A)(6)

☐ NON-HISTORIC: ATTACH JUSTIFICATION STATEMENT THAT ADDRESSES THE CRITERIA IN LDR SECTION 2.4.11(A)(5)

WAIVER

☒ NO WAIVERS REQUESTED

☐ ATTACH JUSTIFICATION STATEMENT THAT ADDRESSES THE WAIVER FINDINGS IN LDR SECTION 2.4.11(B)

☐ ATTACH PLANS AND OTHER DOCUMENTS NEEDED (I.E. SURVEY, SITE PLAN, ETC.) FOR REVIEW OF REQUEST.

INTERNAL ADJUSTMENT

☐ NO INTERNAL ADJUSTMENTS REQUESTED

☒ ATTACH JUSTIFICATION STATEMENT THAT ADDRESSES THE FINDINGS IN LDR SECTION 2.4.11(C)

REQUEST

LDR SECTION	REQUIREMENT	EXISTING	PROPOSED REQUEST
4.3.4(K)	10'	9'.62"	6' reduction of setback to 3'.62"

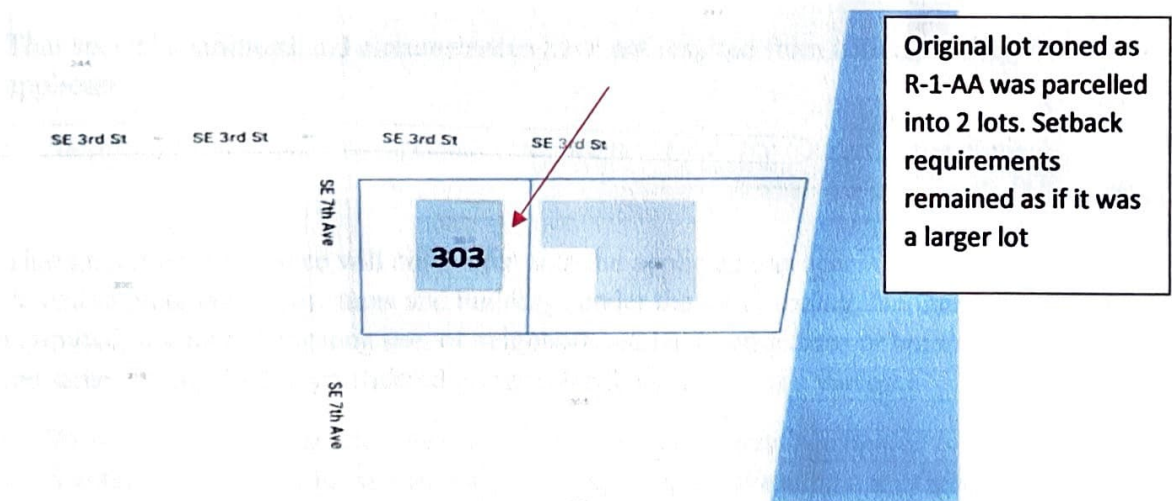
JUSTIFICATION STATEMENT – REAR SET BACK VARIANCE

Dear Sir or Madam,

Our family and I are respectfully requesting a variance from the City of Delray Beach's Historic Preservation Board for our home located at 303 SE 7th Ave. to reduce a portion of the rear existing 9'62" setback to 3'62". The LDR section we are requesting relief from is 4.3.4(K) which identifies setback requirements.

We are requesting this variance to install a 6' spiral staircase at the rear of the home located within the setback. Although this variance would result in a 3'62" setback for a portion of the rear setback, there would be no impact to neighboring properties as the rear lot line abuts the east neighbor's driveway. Moreover, the spiral staircase is not a permanent structure as it can be removed.

It should be noted that the property is an unusually shaped lot whereby the back of the house is the narrowest portion of the property (see arrow below) and is the reason why this variance is requested.



The variance justification is supplemented by the following findings per Section 2.4.11(A)(5)

- a) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not generally applicable to other lands, structures, or buildings subject to the same zoning. Economic hardship shall not constitute a basis for the granting of a variance.

Findings: The special condition is that the property's lot was re-platted from a large rectangular shaped lot similar to the remaining lots south of the structure to a smaller rectangular lot on the west side of the parcel. This smaller replatted parcel has a designation of R-1-AA which is customarily provided to lots that are much larger in size.

- b) That literal interpretation of the regulations would deprive the applicant of rights commonly enjoyed by other properties subject to the same zoning.

Findings: The literal or non-literal interpretation of the provisions of existing ordinances are not affected by the proposed improvement.

- c) That special conditions and circumstances have not resulted from actions of the applicant.

Findings: The special conditions and circumstances are not due to the actions of the applicant.

- d) That granting the variance will not confer onto the applicant any special privilege that is denied to other lands, structures and buildings under the same zoning. Neither the permitted, nor nonconforming use, of neighborhood lands, structures or buildings under the same zoning shall be considered grounds for the issuance of a variance

Findings: The granting of the variance does not provide a special privilege denied to other homeowners within the district and neither the permitted or nonconforming use of structures under the same zoning within the district is grounds for issuance of the variance.

- e) That the reasons established in the variance petition justify the granting of the variance and that the variance is the minimum variance that will make possible the reasonable use of the land, building, structure.

Findings: Due to the existing conditions noted previously, this variance is the minimum required to install an exterior spiral staircase to provide safe access to a roof terrace.

- f) That the granting of the variance will be in harmony with the general purpose and intent of the existing regulations, will not be injurious to the neighborhood, or otherwise detrimental to the public welfare

Findings: The variance would be in harmony with the general purpose and intent of the existing regulation and not be contrary to public interest or welfare of the neighborhood. Providing landscape in accordance with roof top regulations would enhance beauty of structure and would not be injurious to any neighbor.