

architecture, planning & design

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## JUSTIFICATION LETTER

January 14, 2026

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

Re: Magnolia Place (Lot 5)  
130/136 SE 1<sup>st</sup> Avenue  
Relief from LDR Section 4.3.4(K) – Open Space  
Delray Beach, Florida 33483

To Whom It May Concern:

This letter is to provide justification for a variance from the Historic Preservation Board to reduce open space.

We are requesting relief from LDR Section 4.3.4(K) as follows:

**Item #1:** Reduce open space from 25% to 8.6% (minimum is 25%)

LDR Section 2.4.11(A)6

(6) ***Findings of the Historic Preservation Board.*** Instead of the criteria above, the following findings must be made by the Historic Preservation Board prior to the approval of a variance:

- (a) That a variance is necessary to maintain the historic character of property and demonstrating that the granting of the variance would not be contrary to the public interest, safety, or welfare.

***We believe the granting of this variance is justified at the above property due to this having no visual impact on the historic character of the neighborhood. The visual elements of the property are the installed trees, bushes and ground cover which are code compliant and create a lush setting for the lot.***

- (b) That special conditions and circumstances exist, because of the historic setting, location, nature, or character of the land, structure, appurtenance, sign, or building involved, which are not applicable to other lands, structures, appurtenances, signs, or buildings in the same zoning district, which have not been designated as historic sites or a historic district nor listed on the Local Register of Historic Places.

***We believe the granting of this variance is justified at the above property due to the open space is actually met with the minimum square footage; it is that the installed "artificial turf" does not qualify as open space, even though it drains and performs the same as grass. This is a downtown urban setting and the code requirements on "artificial turf" are written as "one shoe fits all" and are a blanket code across City of Delray Beach and do not take into consideration property sizes and locations.***

- (c) That literal interpretation of the provisions of existing ordinances would alter the historic character of the historic district, or historic site to such an extent that it would not be feasible to preserve the historic character of the historic district or historic site.

***We believe item 'c' is not applicable as this request does not and will not alter the historic character of the downtown historic district. The physical "open space" is met, it's the ground surface material for which we are requesting relief from the code.***

- (d) That the variance requested will not significantly diminish the historic character of a historic site or of a historic district.

***Similar to item 'c', we believe item 'd' is not applicable as this request does not and will not diminish the historic character of the downtown historic district.***

- (e) That the requested variance is necessary to accommodate an appropriate adaptive reuse of a historic building, structure, or site.

***This is more about a downtown urban setting where the code should be formulated differently from other parts of the city ordinance. The code should be written to accommodate the downtown adaptive reuse of sites in an urban setting – similar to the CBD.***

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