



Board of Adjustment STAFF REPORT

DEVELOPMENT SERVICES DEPARTMENT

100 NW 1ST AVENUE, DELRAY BEACH, FLORIDA 33444
PLANNING & ZONING DIVISION: (561) 243-7040 • BUILDING DIVISION: (561) 243-7200

Board of Adjustment

Meeting: December 6th, 2018

File No.: 20198-033-
VAR-BOA

Application Type: Board of Adjustment

General Data:

Agent: Roger Cope

Applicant: Vinod Gulati

Owner: Vinod Gulati

Location: 45 Gleason St.

PCN: 12-43-46-16-22-020-0030

Property Size: 0.17 Acres

FLUM: MD (Medium Density)

Zoning: RM (Multiple Family Residential)

Adjacent Zoning:

- CF (North)
- RM (West)
- R-1-A (South)
- CF (East)

Existing Land Use: Four Plex

Proposed Land Use: Four Plex



Item before the Board:

The action before the Board is the consideration of a Variance to allow the enclosure of an existing outdoor terrace to encroach on the required 15-foot side interior setback 8'5".

Recommendation:

Approve the variance request (BOA 2019-033) for 45 Gleason Street, by adopting the findings of fact and law contained in the staff report and finding that the request and approval thereof is consistent with the Comprehensive Plan and does meet the criteria set forth in LDR Section 2.4.7(A)(5); LDR Section 4.3.4(K).

Background:

The property consists of the south 55 feet of the west 135 feet of the north half of Beach lot 20 Plat of this fractional east half of Section 16 Township 46, south range 43 east, according to the plat thereof, as recorded in Plat Book 1 Page 25, of the Public Records of Palm Beach County, Florida. The proposal is to enclose the upstairs terrace on the south side with three walls and a roof.

The request before the board is relief to allow the enclosure of the upstairs terrace to encroach into the side interior setback. Per LDR section 4.3.4(K), the required side interior setback for RM zoning district for multiple family dwellings is 15 feet. The site plan shows that the existing structure encroaches 8 feet 5 inches. There will be no increase to the existing nonconformity.

Site Plan Analysis:

Pursuant to **LDR Section 2.2.4(D)(4)**, the Board of Adjustment has the authority to grant variances and hear appeals from the provisions of the supplemental district regulations (Article 4.6) except where said authority is expressly prohibited or granted to others.

Project Planner:

Jennifer Buce, Assistant Planner
buce@mydelraybeach.com
561-243-7138

Review Dates:

BOA Board:

Attachments:

1. Site Plans
2. pictures



Pursuant to LDR Section 2.4.7(A)(5), **Variances: Findings**, the following findings must be made prior to approval of a variance:

- (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 (The matter of economic hardship shall not constitute a basis for the granting of a variance);
- (b) That literal interpretation of the regulations would deprive the applicant of rights commonly enjoyed by other properties subject to the same zoning;
- (c) That the special conditions and circumstances have not resulted from 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;
- (e) That the reasons set forth 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, or structure; and,
- (f) That the granting of the variance will be in harmony with the general purpose and intent of existing regulations, will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

In consideration of the findings noted above, the applicant has cited the following:

The applicant states *"An exciting iconic structure designed by architect Sam Ogren: Space proposed to be captured/enclosed in an existing roof terrace."*

Staff Variance Analysis

The dimensions of this property are 55 feet x 135 feet and is a lot of record. The lot is surrounded by CF to the north and east, RM to the west and R-1-A to the south. The house was constructed in 1945 as a four plex called the Cape Cod Apartments as it exists today as a three-story structure. The side interior to the south is an existing non-conformity as it is 7 feet 5 inches from the property line. The applicant is requesting to enclose an existing open terrace on the second floor approximately 245 square feet. The applicant is not increasing the existing nonconformity; therefore, the special circumstance and condition already exist to the land and structure of the building and does show a basis for a hardship to grant a variance. Thus, a positive finding can be made with respect to finding "a".

The applicant states *"If a 15-foot side yard restriction were imposed no improvements would be practicable"*

Staff Variance Analysis

The requirements for LDR Section 4.3.4(K) regarding side street setbacks for the RM zoning district is applied city wide. However, this is not a demolition or an addition that would encroach further into the setback of the existing building. The footprint of the existing structure is not being altered. Therefore, not granting this variance would deprive the applicant of rights commonly enjoyed by other properties subject to the same zoning. Thus, a positive finding can be made with respect to finding "b".

The applicant states *"existing building designed circa 1945 when setbacks were quite different."*

Staff Variance Analysis

The original plat was recorded in 1899. The original structure was built in 1945 as the Cape Cod Apartments with very few structural changes throughout the years according to building records. Although the applicant was aware of the existing setbacks upon purchase, they were not the direct actions of the applicant. Thus, a positive finding with respect to "c" can be made.

The applicant states *"very unique property which is surrounded by similar zoning districts – church to north and east and single family to south."*

Staff Variance Analysis

The granting of a variance would not confer a special privilege that is denied to other lands, structures, and buildings as 1101 Miramar Drive which is directly south was granted a variance for the front yard setback in 1987 for 21.9 feet to add a screen enclosure with a built up roof and just recently 1102 Coconut Row was granted relief for three variances for a new construction for



front, side and swimming pool setbacks. Based upon the above a positive finding with respect to "d" can be made.

The applicant states *"If allowed at 6'6" the enclosed space would be structurally feasible and harmoniously integrated into existing building"*

Staff Variance Analysis

As noted in staff analysis above, the granting of the variance can be justified. The applicant is not proposing to increase the non-conforming side interior setback but work within the existing building footprint by enclosing an open terrace. By enclosing the open terrace, this reduces the intrusiveness, level of noise and increases privacy to the surrounding areas. Based on the above a positive finding with respect to "e" can be made.

The applicant states *"The existing building already exists at 6'6" off of the property line – no harm to any public welfare."*

Staff Variance Analysis

The existing structure is set 32 feet from the front property line, and the north and east of the property faces a church parking lot. The south side interior where the enclosure is proposed rears to properties along Miramar Drive. The proposal will not disrupt the harmony of the streetscape nor will it be injurious to the neighborhood, or otherwise detrimental to the public welfare. Thus, a positive finding with respect to "f" can be made.

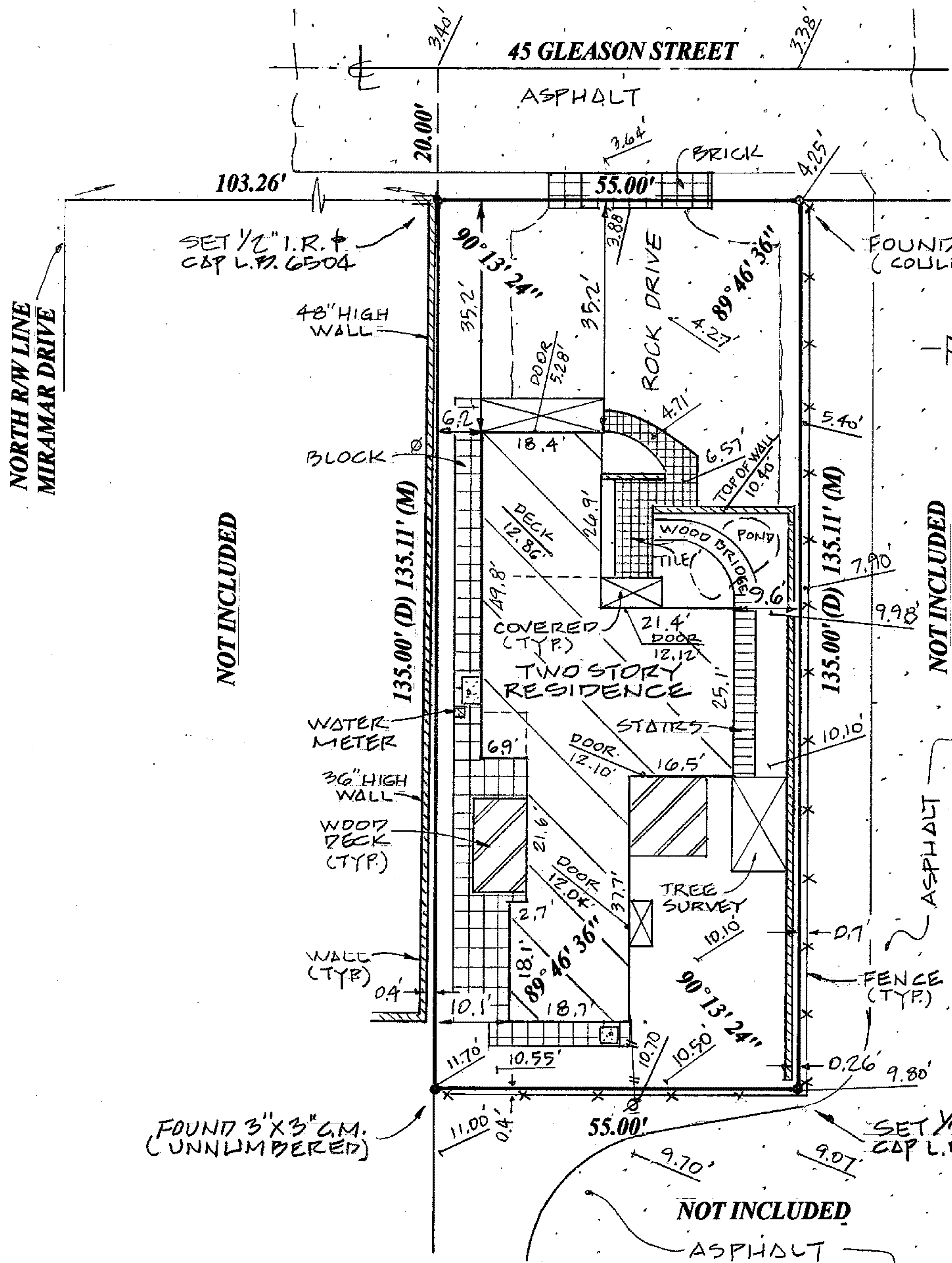
Please see attached additional justification.

Alternative Actions:

- A. Continue with direction.
- B. Approve the Variance request (BOA 2019-033) to LDR 4.3.4(K) to reduce the side interior setback from 15 feet to 8 feet 5 inches located at **45 Gleason Street**, based upon positive findings with respect to LDR 2.4.7(A)(5).
- C. Deny the Variance request (BOA 2019-033) to LDR 4.3.4(K) to reduce the side interior setback from 15 feet to 8 feet 5 inches located at **45 Gleason Street**, based upon a failure to make positive findings with respect to LDR Section 2.4.7(A)(5).

LEGAL DESCRIPTION

THE SOUTH 55 FEET OF THE WEST 135 FEET OF THE NORTH HALF OF BEACH LOT 20 PLAT OF THIS FRACTIONAL EAST HALF OF SECTION 16, TOWNSHIP 46, SOUTH RAGE 43 EAST, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, PAGE 25, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

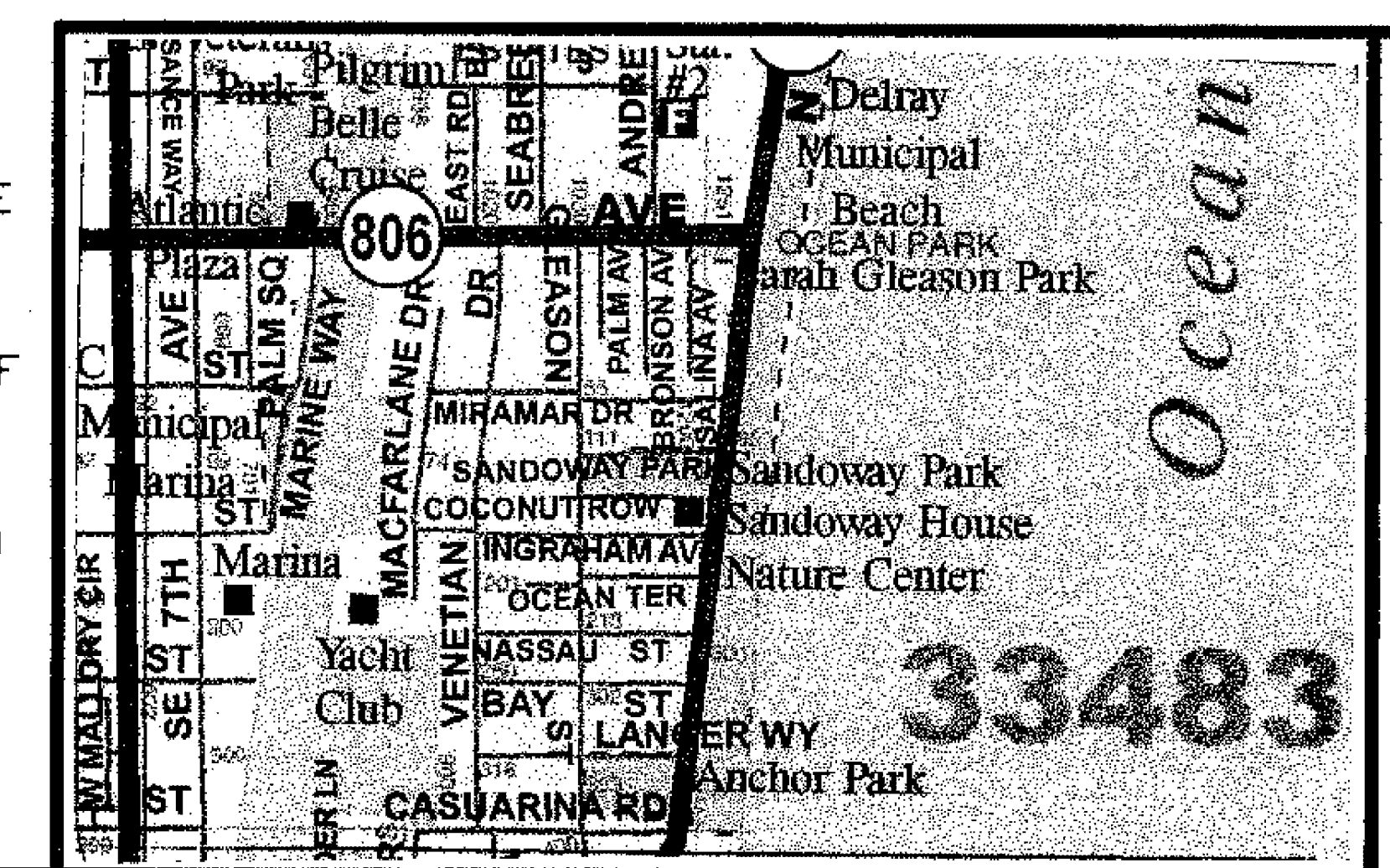


FOUND 1/2" I.R. + CAP
(COULD NOT READ)

SCALE: 1" = 20'

NOTES:

- 1) BEARINGS SHOWN HEREON ARE RELATIVE TO PLAT AND ARE ASSUMED.
- 2) NO ABSTRACT OR TITLE SEARCH WAS PERFORMED TO DISCOVER THE EXISTENCE OF ANY EASEMENTS OR RESTRICTIONS OF RECORD.
- 3) ELEVATIONS SHOWN HEREON ARE BASED ON NORTH AMERICA VERTICAL DATUM OF 1988 UNLESS OTHERWISE NOTED.
- 4) NO BELOW GROUND IMPROVEMENTS, FOOTERS, FOUNDATIONS OR UTILITIES HAVE BEEN LOCATED OR SHOWN ON THIS SURVEY.



NORTH
NOT TO SCALE
NORTH VICINITY MAP

D.R.B. = official record book	TRAN = transformer pad	P.B. = plat book	P = plat	P.G. = page
C.B.S. = concrete block structure	F.P.&L. = Florida power and light	TYP. = typical	Ø = power pole	I.R. = iron rod
P.C.C. = point of compound curve	CM = concrete monument	R/W = right-of-way	M = MEASURED	R = radius
P.C.P. = permanent control point	P.R.C. = point of reverse	Δ = central angle	I.P. = IRON PIPE	D = deed
P.O.C. = point of commencement	P.I. = point of intersection	⊙ = bearing basis line	RP = radius point	D/S = offset
P.O.B. = point of beginning	P.T. = point of tangency	ASPH = asphalt	L = ARC LENGTH	CONC. = concrete
D/E = drainage easement	* = not field measured	M.H. = manhole	CL = centerline	ESMT. = easement
C.M.P. = corrugated metal pipe	WPF = wood privacy fence	U/E = utility easement	ALUM. = aluminum	CALC. = calculated
R.L.S. = registered land surveyor	CHATT = chattahoochee	CLF = chain link fence	P.C. = point of curvature	
L.B. = licensed business	ELEV = elevation	P.R.M. = permanent reference monument		



801 S.E. 6th Ave., Suite 101
Delray Beach, FL 33483
Phone 561-243-4624
Fax 243-4869

AUTHORIZATION NUMBER LB6504

I HEREBY CERTIFY THAT THE SKETCH OF BOUNDARY SURVEY SHOWN HEREON MEETS THE STANDARDS OF PRACTICE SET FORTH IN CHAPTER SJ-17-050-052, FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

HARRY A. BURGESS PLS 5089

CERTIFIED TO:

FLOOD ZONE: X 4 AE 0
MAP NO.: 1251020983F
MAP DATE: 10-5-17
DATE: 7-9-18
JOB NO: 6-18-032
REVISED:

NOT VALID
UNLESS SEALED
WITH EMBOSSED
SURVEYOR'S SEAL

PROJECT DATA:

PROPOSED TOTAL GROUND FLOOR AREA -	± 1,742,000 SQ. FT.	± 26.5% OF SITE
PARKING & PAVED AREAS -	± 2,911,000 SQ. FT.	± 43.2% OF SITE
OPEN LANDSCAPED SPACE -	± 1,688,000 SQ. FT.	± 25.0% OF SITE
WATER BODIES (POOL) -	± 355,000 SQ. FT.	± 5.3% OF SITE
TOTALS	± 7,425,000 SQ. FT.	100% OF SITE

PARKING DATA:

	REQUIRED	PROVIDED
RM - MULTI FAMILY RESIDENTIAL:		
	TWO (2) PER HOUSEHOLD	EIGHT (8)
TOTALS:	EIGHT (8) (TWO (2) PER HOUSEHOLD)	EIGHT (8) (TWO (2) PER HOUSEHOLD)

SITE DATA: (APPROX. 7,425.00 SQ. FT. OR ± 0.17 ACRES)

ZONED: RM (MULTI FAMILY RESIDENTIAL)
 PROPOSED USE: FOUR (4) MULT FAMILY RESIDENCES (NO CHANGE)

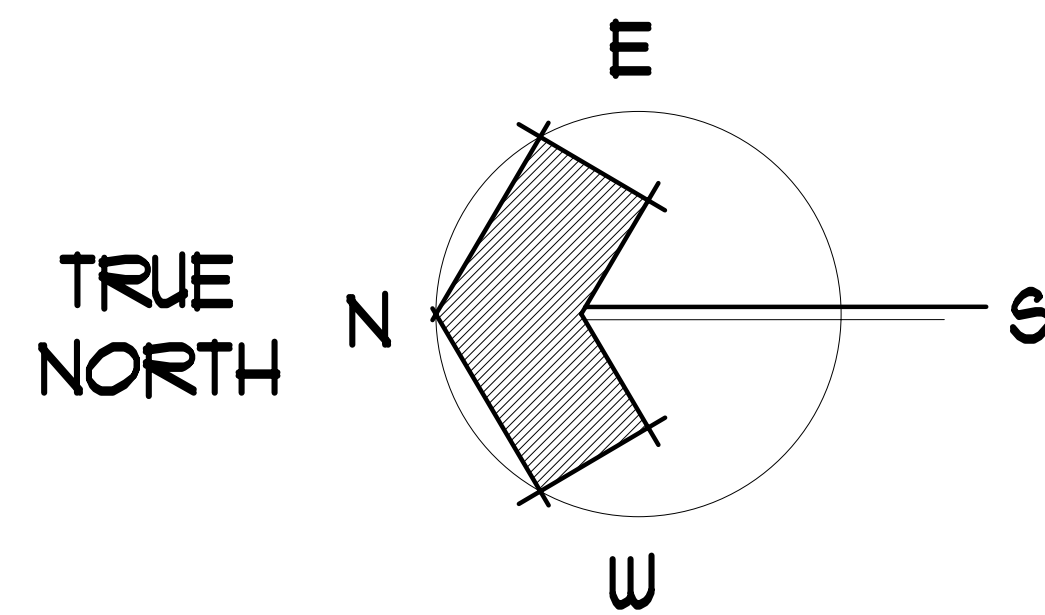
FIRST PRESBYTERIAN CHURCH OF DELRAY
 (EXISTING CHURCH CAMPUS TO REMAIN)

GENERAL GRADING NOTES:

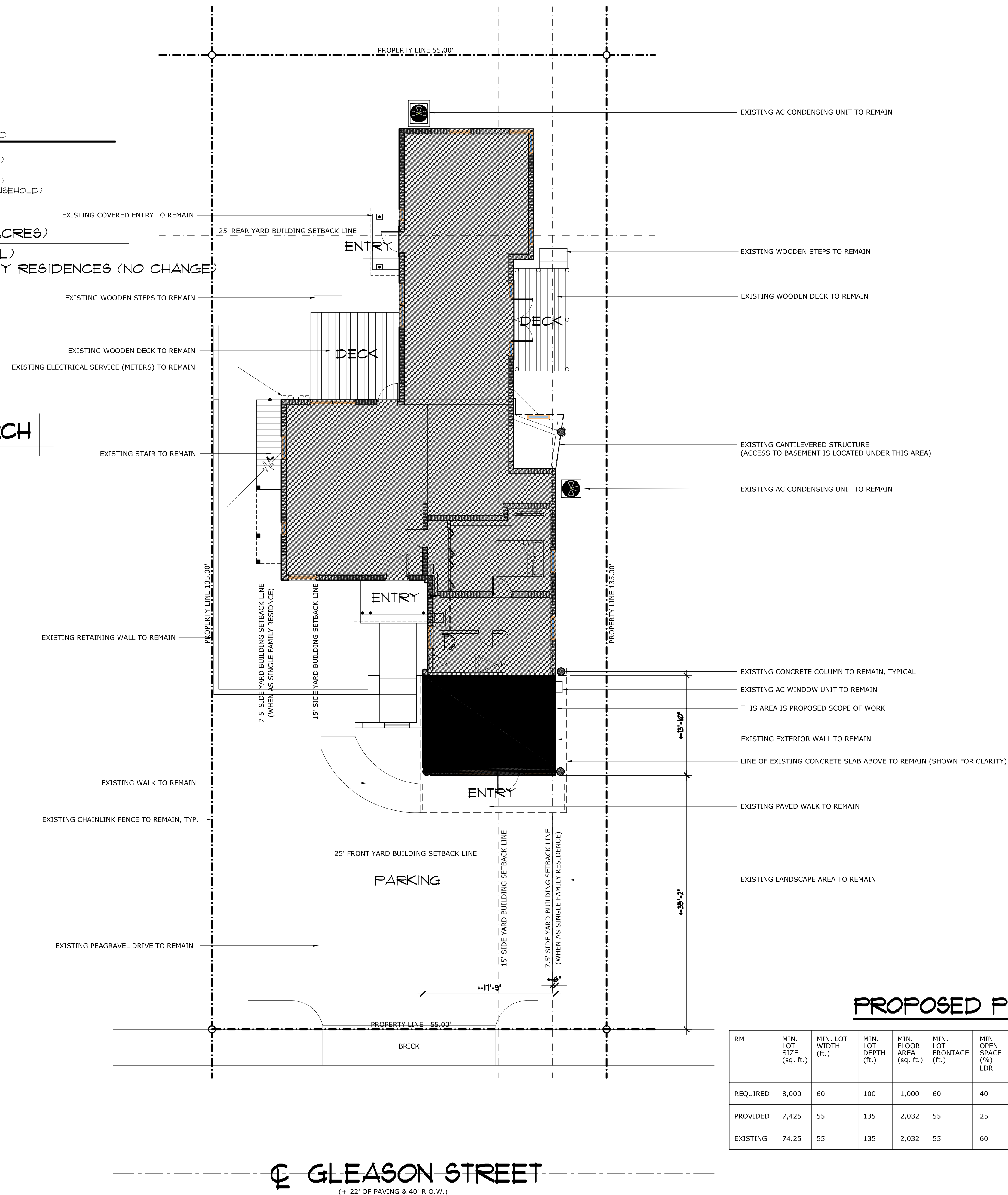
- 1.) UNDER NO CIRCUMSTANCES SHALL THIS PROPERTY BE GRADED SO THAT STORM WATER RUNS OFF ONTO ANY ADJACENT PROPERTIES.
- 2.) SEE SUFFICIENT PROPOSED FINAL GRADES AND ASSOCIATED DETAIL INSURING STORM WATER DOES NOT FLOW ONTO ADJACENT PROPERTIES.
- 3.) PLEASE SEE SURVEY FOR EXISTING GRADES @ ALL PROPERTY LINES & ON ALL ADJACENT PROPERTIES. MINIMUM TWO (2) GRADES PER PROPERTY LINE.
- 4.) PLEASE SEE FLOOR PLANS FOR FINISH FLOOR ELEVATIONS OF ALL STRUCTURES WHICH ARE ALL MINIMUM 18" ABOVE THE CROWN OF THE ADJACENT STREETS OR ROADWAYS.
- 5.) PLEASE SEE SITE PLAN AND DETAILS FOR MINIMUM 3" DEEP SODDED SWALE BETWEEN SITE'S PROPERTY LINE AND ALL ADJACENT STREETS OR ROADWAYS.

SYMBOLS LEGEND:

- ± 0.00/0.00 EXISTING TOPOGRAPHY (GRADE) TO REMAIN - SEE SURVEY
- ± 0.00/0.00 NEW PROPOSED NEW TOPOGRAPHY (FINISH GRADE)



AI ARCHITECTURAL SITE PLAN
 SCALE: 1" = 10'-0"



PROPOSED PROJECT CHART:

RM	MIN. LOT SIZE (sq. ft.)	MIN. LOT WIDTH (ft.)	MIN. LOT DEPTH (ft.)	MIN. FLOOR AREA (sq. ft.)	MIN. LOT FRONTAGE (ft.)	MIN. OPEN SPACE (%) LDR	MAX. LOT COVERAGE (%) LDR	MIN. FRONT SETBACK (ft.)	MIN. SIDE INTERIOR SETBACK (ft.) LDR	MIN. SIDE STREET SETBACK (ft.)	MIN. REAR SETBACK (ft.)	MAX. BUILDING HEIGHT (ft.)	PERVIOUS AREA (sq. ft.)	IMPERVIOUS AREA (sq. ft.)
REQUIRED	8,000	60	100	1,000	60	40	NA	25/30	15/30	NA	25	35	2,700	4,050
PROVIDED	7,425	55	135	2,032	55	25	NA	35.2	NO CHANGE	NA	10.7	27	1,687	5,063
EXISTING	74.25	55	135	2,032	55	60	NA	35.2	6.2 @ SOUTH	NA	10.7	27	4,480	2,270
									9.6 @ NORTH					

GLEASON STREET
 (± 22' OF PAVING & 40' R.O.W.)

Consultant Seal		VINOD GULATI RESIDENCE 45 GLEASON STREET DELRAY BEACH, FLORIDA		SITE PLAN	
COPE ARCHITECTS, INC. 114 W. NEWSTOWN AVENUE DELRAY BEACH, FLORIDA 33444-3713 ARCHITECTURE - PLANNING - INTERIORS call 561 789-3791 email copearchitectsinc@gmail.com		DRAWING TITLE		REVISIONS	
Seal		Florida License No. AR0013552		Date OCTOBER 01, 2018	
Drawn RW COPE		Project No. 2018.01GULATI		Drawing No. A2.0	
CAD File No. SITEPLAN		Date OCTOBER 01, 2018		Drawing No. A2.0	
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A2 EXISTING ARCHITECTURAL FLOOR PLAN: LOWER UNIT

SCALE: 1/4" = 1'-0"

EXISTING FLOOR AREA: LOWER UNIT

A/C AREA (UNDER AIR) : ++ 667 GROSS SQ. FT.
 NON-AIR CONDITIONED ENCLOSED STORAGE : ++0 GROSS SQ. FT.
 COVERED AREA (OPEN-AIR) : ++ 105 GROSS SQ. FT.
 TOTAL FLOOR AREA : ++ 772 GROSS SQ. FT.

SYMBOLS LEGEND:

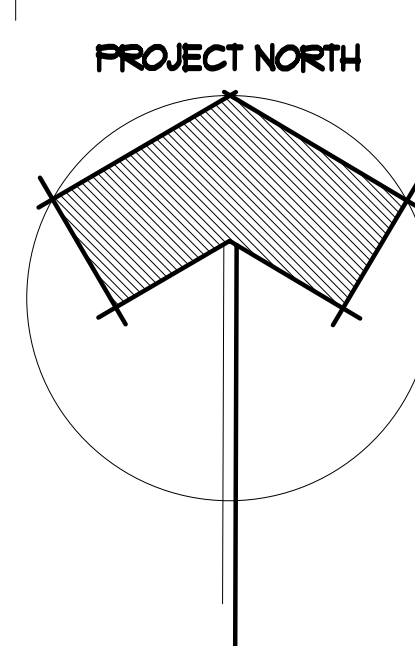
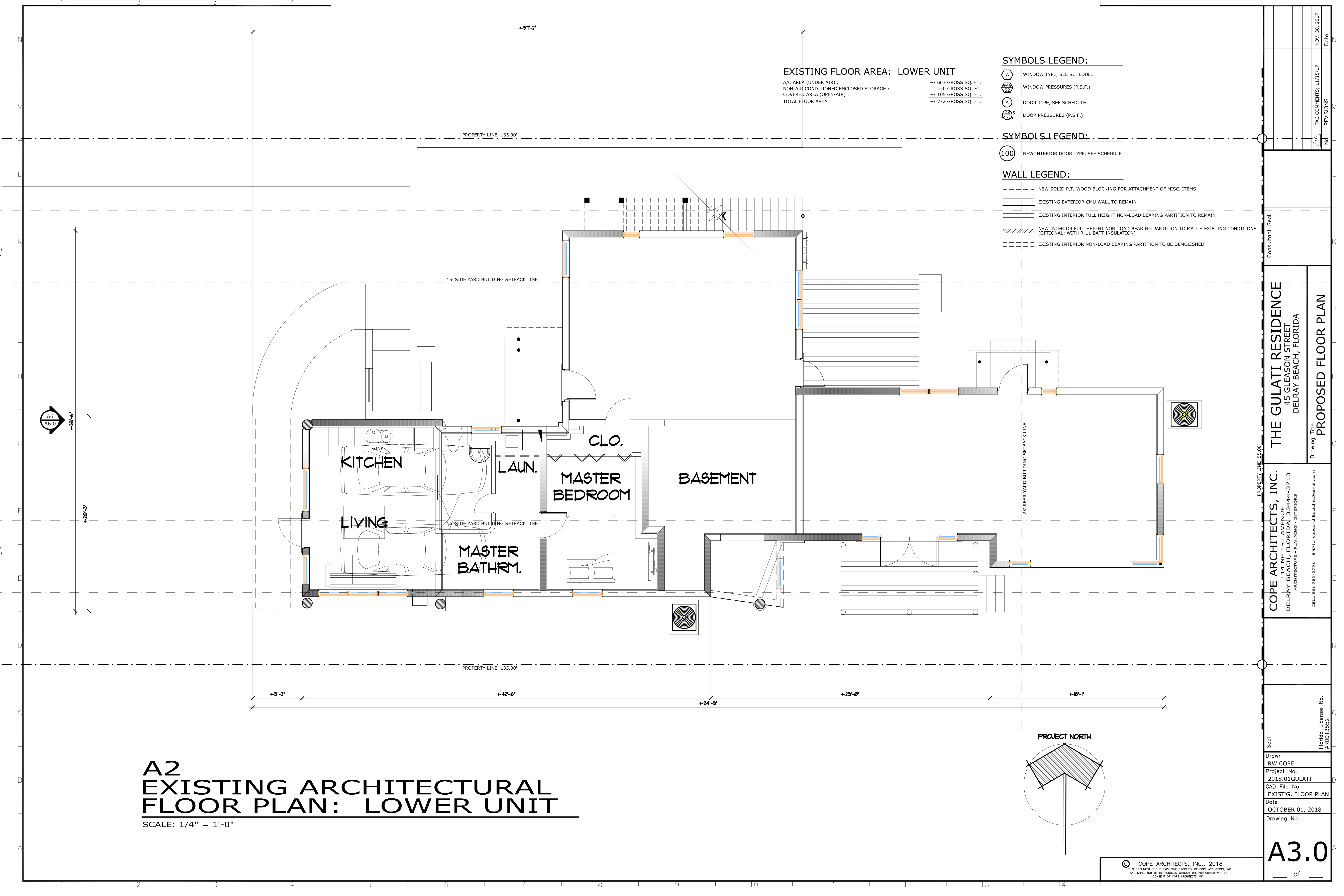
- WINDOW TYPE, SEE SCHEDULE
- WINDOW PRESSURES (P.S.F.)
- DOOR TYPE, SEE SCHEDULE
- DOOR PRESSURES (P.S.F.)

SYMBOLS LEGEND:

- NEW INTERIOR DOOR TYPE, SEE SCHEDULE

WALL LEGEND:

- NEW SOLID P.T. WOOD BLOCKING FOR ATTACHMENT OF MISC. ITEMS
- EXISTING EXTERIOR CMU WALL TO REMAIN
- EXISTING INTERIOR FULL HEIGHT NON-LOAD BEARING PARTITION TO REMAIN
- NEW INTERIOR FULL HEIGHT NON-LOAD BEARING PARTITION TO MATCH EXISTING CONDITIONS (OPTIONAL: WITH R-11 BATT INSULATION)
- EXISTING INTERIOR NON-LOAD BEARING PARTITION TO BE DEMOLISHED



<p>COPE ARCHITECTS, INC. 114 NE 1ST AVENUE DELRAY BEACH, FLORIDA 33444-3713 ARCHITECTURE - PLANNING - INTERIORS CELL 561 799-3791 EMAIL: copearchitects@earthlink.com</p>	<p>THE GULATI RESIDENCE 45 GLEASON STREET DELRAY BEACH, FLORIDA</p> <p>Drawing Title PROPOSED FLOOR PLAN</p>
<p>Seal Florida License No. AR0013552</p>	<p>Drawn RW COPE Project No. 2018.01GULATI CAD File No. EXIST'G. FLOOR PLAN Date OCTOBER 01, 2018 Drawing No.</p>
<p>NOV. 30, 2017 Date TAC COMMENTS: 11/15/17 REVISIONS</p>	

EXISTING FLOOR AREA: WEST

A/C AREA (UNDER AIR) : ++ 1,180 GROSS SQ. FT.
 OUTDOOR TERRACES (OPEN-AIR) : ++534 GROSS SQ. FT.
 COVERED AREA (OPEN-AIR) : ++ 59 GROSS SQ. FT.
 TOTAL FLOOR AREA : ++ 1,773 GROSS SQ. FT.

EXISTING FLOOR AREA: EAST

A/C AREA (UNDER AIR) : ++ 647 GROSS SQ. FT.
 OUTDOOR TERRACE (OPEN-AIR) : ++109 GROSS SQ. FT.
 COVERED AREA (OPEN-AIR) : ++ 37 GROSS SQ. FT.
 TOTAL FLOOR AREA : ++ 793 GROSS SQ. FT.

SYMBOLS LEGEND:

- WINDOW TYPE, SEE SCHEDULE
- WINDOW PRESSURES (P.S.F.)
- DOOR TYPE, SEE SCHEDULE
- DOOR PRESSURES (P.S.F.)

SYMBOLS LEGEND:

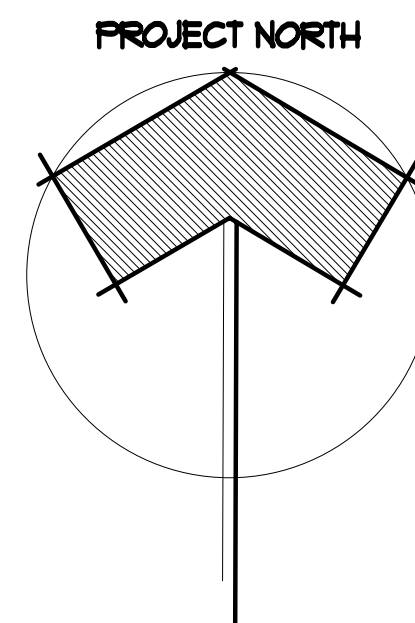
- NEW INTERIOR DOOR TYPE, SEE SCHEDULE

WALL LEGEND:

- NEW SOLID P.T. WOOD BLOCKING FOR ATTACHMENT OF MISC. ITEMS
- EXISTING EXTERIOR CMU WALL TO REMAIN
- EXISTING INTERIOR FULL HEIGHT NON-BEARING PARTITION TO REMAIN
- NEW INTERIOR FULL HEIGHT NON-LOAD BEARING PARTITION TO MATCH EXISTING CONDITIONS (OPTIONAL: WITH R-11 BATT INSULATION)
- EXISTING INTERIOR NON-LOAD BEARING PARTITION TO BE DEMOLISHED

**A3.1
 PROPOSED ARCHITECTURAL
 FLOOR PLAN(S): MAIN UNITS**

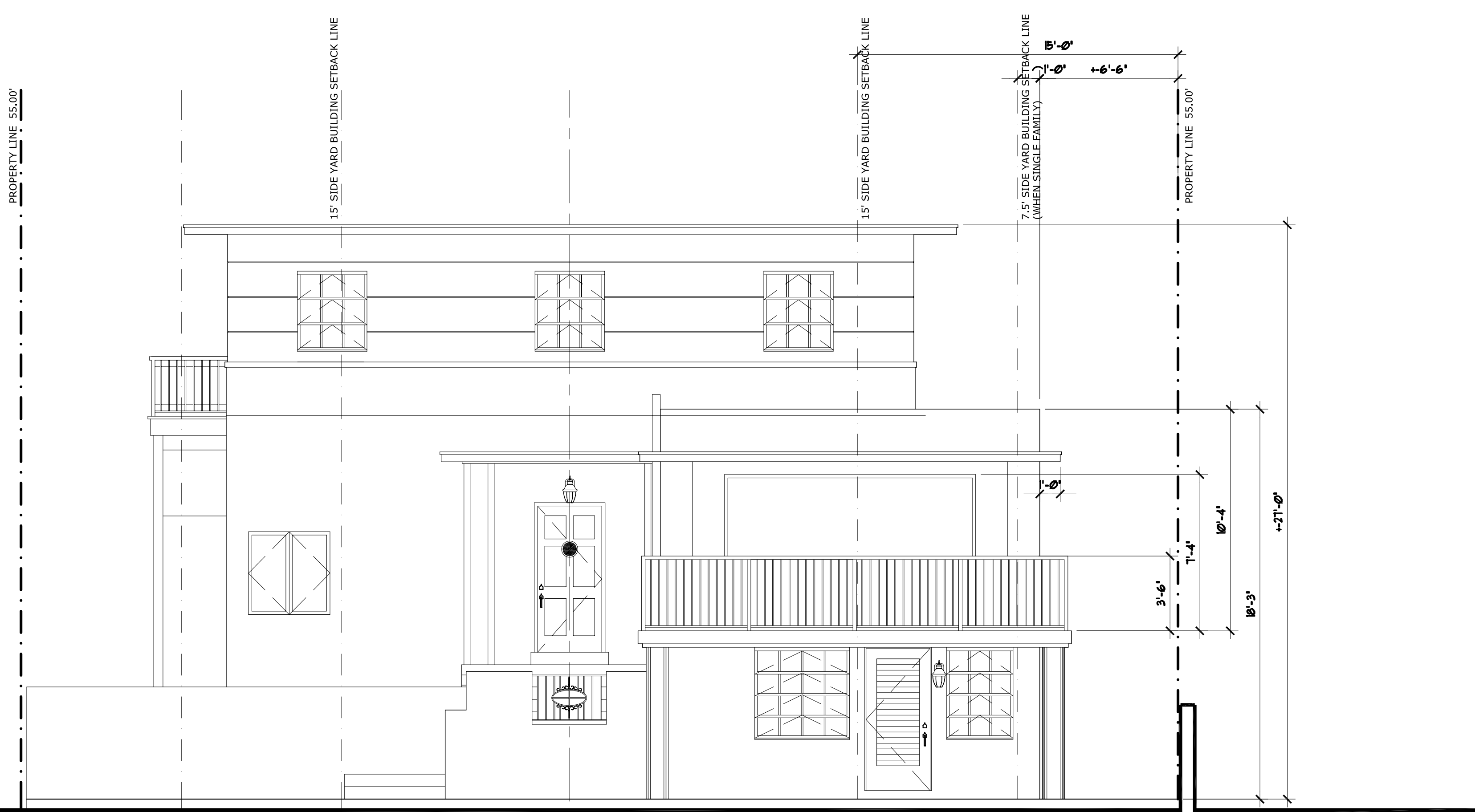
SCALE: 1/4" = 1'-0"



No.	REVISIONS		Date
1	TAC COMMENTS: 11/15/17		NOV. 30, 2017
THE GULATI RESIDENCE 45 GLEASON STREET DELRAY BEACH, FLORIDA			
PROPOSED FLOOR PLAN			
COPE ARCHITECTS, INC. 114 NE 1ST AVENUE DELRAY BEACH, FLORIDA 33444-3713 ARCHITECTURE - PLANNING - INTERIORS			
CELL 561 799-3791 EMAIL: copearchitects@gmail.com			
Seal	Florida License No. AR0013552		
Drawn: RW COPE Project No.: 2018.01GULATI CAD File No.: PROPOSED FLR PLAN Date: OCTOBER 01, 2018 Drawing No.:			
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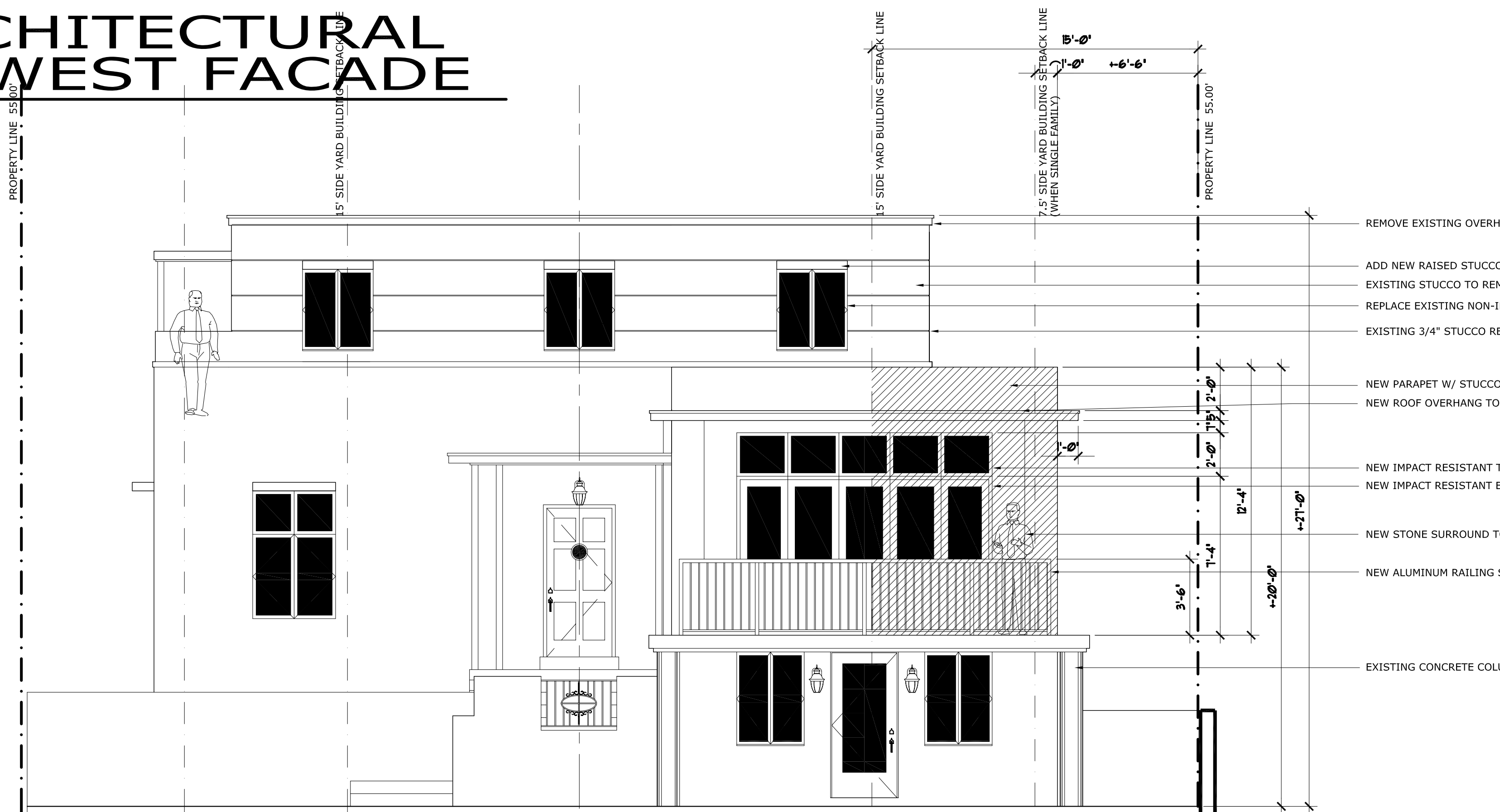
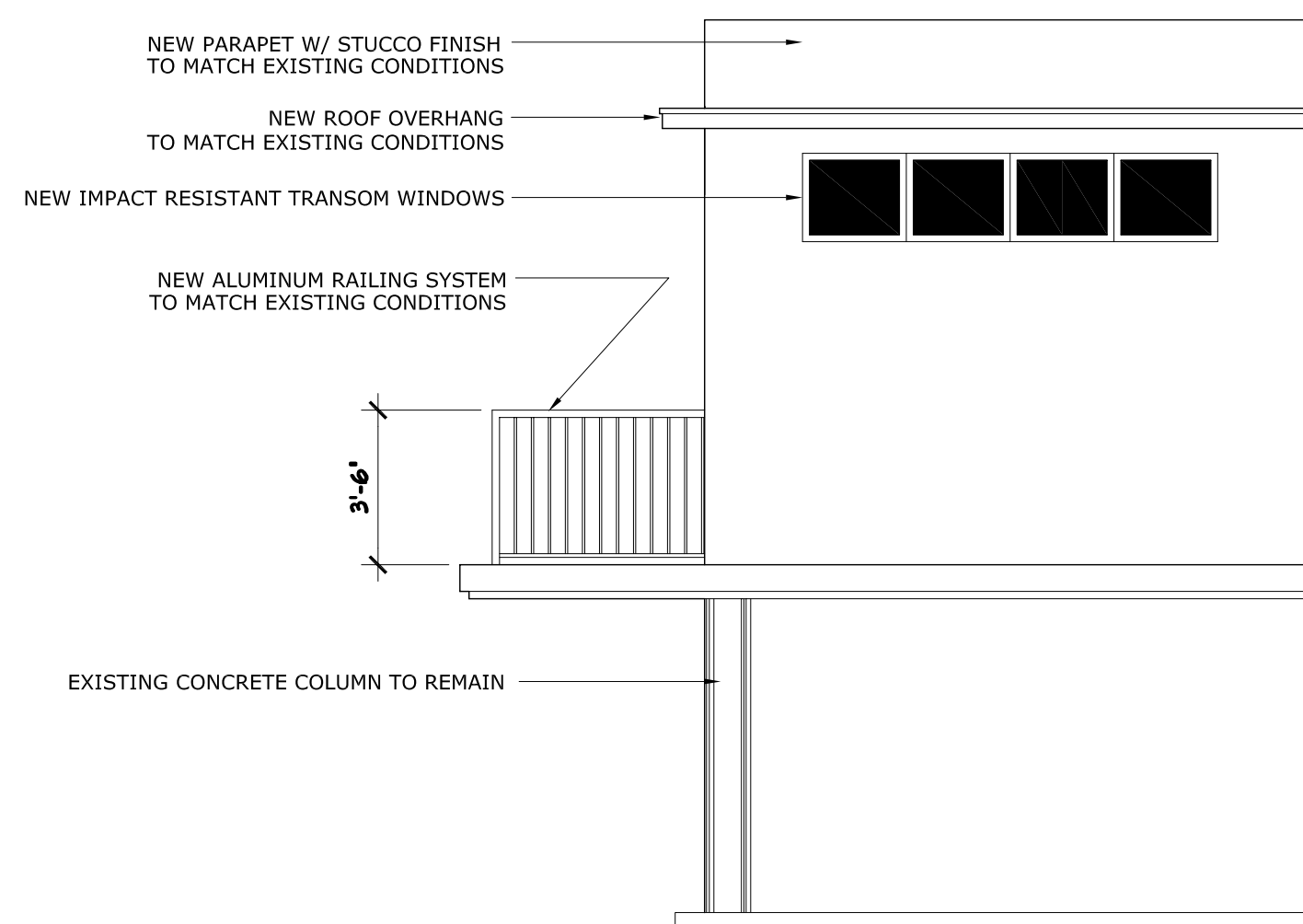
A5 EXISTING ARCHITECTURAL ELEVATION: WEST FACADE

SCALE: 1/4" = 1'-0"



SIDE ELEVATION

SCALE: 1/4" = 1'-0"



A5.1 PROPOSED ARCHITECTURAL ELEVATION: WEST FACADE

SCALE: 1/4" = 1'-0"

- REMOVE EXISTING OVERHANG FROM UPPER PARAPET, TYPICAL
- ADD NEW RAISED STUCCO BAND ABOVE ALL WINDOWS, TYPICAL
- EXISTING STUCCO TO REMAIN, REPAINT SAME COLOR
- REPLACE EXISTING NON-IMPACT WINDOWS & DOORS WITH IMPACT RESISTANT PRODUCT, TYPICAL
- EXISTING 3/4" STUCCO REVEAL TO REMAIN, TYPICAL
- NEW PARAPET W/ STUCCO FINISH TO MATCH EXISTING CONDITIONS
- NEW ROOF OVERHANG TO MATCH EXISTING CONDITIONS
- NEW IMPACT RESISTANT TRANSOM WINDOWS
- NEW IMPACT RESISTANT BI-FOLDING (NANA) DOOR
- NEW STONE SURROUND TO MATCH EXISTING CONDITIONS
- NEW ALUMINUM RAILING SYSTEM TO MATCH EXISTING CONDITIONS
- EXISTING CONCRETE COLUMN TO REMAIN

Consultant Seal		REVISIONS		Date
THE GULATI RESIDENCE				
45 GLEASON STREET				
DELRAY BEACH, FLORIDA				
Drawing Title		EXTERIOR ELEVATIONS		
COPE ARCHITECTS, INC.		114 NE 1ST AVENUE		
DELRAY BEACH, FLORIDA 33444-3713		ARCHITECTURE - PLANNING - INTERIORS		
CELL 561 799-3791		EMAIL: copearchitects@gmail.com		
Seal	Florida License No.	AR0013552		
Drawn	RW COPE			
Project No.	2018.01GULATI			
CAD File No.	EXTERIOR ELEVATIONS			
Date	OCTOBER 01, 2018			
Drawing No.	A6.0			