

**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.

**REQUEST**

LDR SECTION	REQUIREMENT	EXISTING	PROPOSED 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
4.6.15 (G) (3)	5'	N/A	4"

**IN-LIEU OF PARKING**

- NO IN-LIEU OF PARKING REQUESTED OR APPLICABLE. IF GRANTED IN THE PAST, ATTACH APPROVAL LETTER(S).

**FOR SUBMITAL OF AN IN-LIEU REQUEST, THE FOLLOWING MUST BE INCLUDED:**

- ATTACH JUSTIFICATION STATEMENT THAT ADDRESSES THE FINDINGS LISTED IN LDR SECTION 2.4.11(F) AND DESCRIBE IN DETAIL THE SCOPE OF WORK (I.E. EXPANSION OF USE, CHANGE OF USE, NEW CONSTRUCTION, ETC.).  
 ATTACH SKETCH PLAN INCLUDING CURRENT AND PROPOSED SQUARE FOOTAGE.  
 ATTACH ADJACENT RIGHTS-OF-WAY AND PROPOSED PARKING TO BE CONSTRUCTED.

**REQUEST**

REQUIREMENT	EXISTING	PROPOSED REQUEST



September 10, 2024

**To:** City of Delray Beach  
Internal Adjustments – Interior side pool setback  
LDR Section 4.6.15 (G) (3)

**RE:** Fifth Avenue Townhomes  
142 SE 5<sup>th</sup> Avenue  
Delray Beach, Florida

**LDR Section 4.6.15 (G) (3) - Internal Adjustments**

Fifth Avenue Delray, LLC (“Applicant”) is the owner and developer of two existing parcels totaling +/-0.35 acres located at 142-152 SE 5<sup>th</sup> Avenue in the City of Delray Beach. The property has a zoning designation of Central Business District (CBD). The Property is located within the Central Core Subdistrict of the CBD. The Property is currently developed with commercial and residential uses which were constructed between 1938-1941. Applicant is proposing to redevelop the Property with a five (5) townhouse unit project (“Project”). The Project seeks to redevelop this underutilized lot with a vibrant and architecturally modern townhome row that will further enhance the appearance of the City’s downtown area. The proposed infill Project is compatible with the surrounding area, with similar masonry modern communities located to the south and west of the Property. It is highly likely that the adjacent properties to the north will also be developed in the coming years to complete the full redevelopment of the block. The additional housing units will provide an exciting new residential option within the City’s CBD, located just 1.5 blocks south of Atlantic Avenue.

In order to develop the Project, which required the joining of two lots to create the five (5) fee simple townhome lots. As such, the resulting individual lot sizes are significantly smaller than the typical lot to which the pool setback standards set forth in LDR Section 4.6.15 (G) (3). Accordingly, Applicant is seeking internal adjustment from Section 4.6.15 (G) (3) which broadly provides that interior side pool setbacks should be 5’ feet, to 4’.

In making this request, it is important to understand the following conditions which have generated this request. Firstly, as stated, the Applicant is already dealing with a lot width (as per the Plat) of approximately 23.5 feet. Obviously, imposing a 10’ side setback on the three interiors lots is essentially denying the applicant the ability to build what most other new properties in the city can build, i.e., a swimming pool. Swimming pools have generally become a required amenity, especially in the higher-end projects. It is important to note that the only ones affected by this proposed internal adjustment are the properties actually benefitting by the adjustment and no other properties will be impacted.

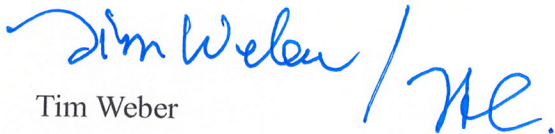
Second, each lot is separated by a six (6') foot barrier wall to ensure privacy between the lots. Setback requirements include the creation of some concept of privacy between lots. With such narrow lots, this is accomplished with the construction of the 6' wall.

Thirdly, allowing the placement of the swimming pools as per the submission will allow the greatest use of the backyards as yards. These yards will be real lawns which helps drainage as well as enhancing the overall appearance.

As per LDR Section 2.4.11 (C) (5), an internal adjustment may be approved if the granting body finds that such relief does not diminish the practical application of the affected regulation (requirement) and that by granting such relief a superior development product will result.

As set forth above, the Applicant believes that the granting of such relief will not diminish the project and that the granting of such relief will create a superior development product. The pools will be appropriately located within each courtyard so as to not conflict with architectural elements of the masonry modern design while appropriately locating the pools in order to maximizing the contiguous area of the greenspace in each courtyard for each townhome.

Sincerely,

A handwritten signature in blue ink that reads "Tim Weber / me." The signature is written in a cursive style.

Tim Weber

Fifth Avenue Delray, LLC  
Director of Development