



architecture, planning & design

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October 14, 2025

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

Re: Magnolia Place (Lots 1-5)
130 SE 1st Avenue – HP-000168-2025
Waiver for Wall Height from LDR Section 4.5.1(E)(3)(a)(1)(c)
Delray Beach, Florida 33483

To Whom It May Concern:

Please accept this letter requesting a wall height waiver from the Historic Preservation Board for Magnolia Place for Lots 1-5 for the proposed duplex residences at the above-mentioned property. We are requesting the following waiver:

Request for wall height waiver from the allowable maximum wall height of 4'-0" within the front and side street setbacks to 5'-6" as per LDR Section 4.5.1(E)(3)(a)(1)(c). We believe this is justified for the following two reasons:

Item #1: The physical location of the project and the surrounding area. The property is located in the downtown area where there is a lot of pedestrian traffic in both the downtown and surrounding area with people going back and forth to Atlantic Avenue, all hours of the day and night. The slight increase in height of the wall provides a significant feeling of privacy for the residences once within the courtyard setting. In addition to the downtown location and close proximity to the Ave., we want to minimize the vehicular traffic headlights and sound impact on the residents.

Item #2: The proposed lots are situated at the northwest corner of SE 2nd Street and SE 1st Avenue and are located along the eastside of the alley, which runs in the north-south direction, in the "Old School Square Historic District". Lots 1-5 run from east to west and there is approximately a 24" change in grade between SE 1st Avenue and the alley along the west side of the project. The goal was to minimize the height above the allowable height of 4'-0". Where

the grades change along the street frontage, the actual average height of the proposed walls is +/-5'-0" above grade.

Per LDR Section 2.4.11 (B)(5), **Findings**. Prior to granting a waiver, the granting body shall make findings that the granting of the waiver:

- (a) Shall not adversely affect the neighboring area;

This request will not have a negative impact on the neighborhood due to there are high rise condominiums to the east of the project and along the west side are commercial and multifamily properties.

- (b) Shall not significantly diminish the provision of public facilities;

Will have no impact on the provisions of the public facilities.

- (c) Shall not create an unsafe situation; and

Will not create and unsafe situation when you consider that most of the zoning throughout Delray allow for privacy walls to be 6'-0" in height.

- (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.

We believe that this waiver request would be granted to other properties with similar topographic conditions and location.

The property is located in the historic OSSHAD zoning with the following required setbacks:

Front setback: 25'-0"

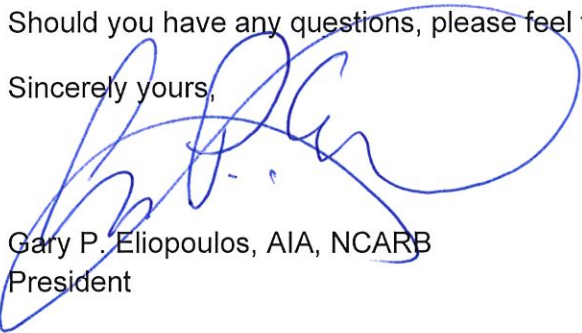
Side street setback: 15'-0"

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