



July 9th, 2026

CITY OF DELRAY BEACH, Development Services Department
100 North West 1st Avenue
Delray Beach, Florida 33444

Re: **WAIVER JUSTIFICATION STATEMENT**
John P Basford & Jasmine Carvajal Residence
516 North Swinton Avenue, Delray Beach, FL 33444
Folio: 12-43-46-08-21-011-0060
Zoning District: R-1 AA Single Family

Dear Members of the Historic Preservation Board,

This letter is submitted as part of the Historic Review Application for the above-referenced property.

a) Shall not adversely affect the neighboring area.

The requested waiver will not adversely affect the neighboring area because the proposed in-law quarters is located above an existing detached garage and does not introduce a new primary structure or a use that is incompatible with the surrounding residential neighborhood. The addition remains accessory and subordinate to the principal residence, and its placement at the rear of the property reduces visibility from the public right-of-way and minimizes visual impact on adjacent homes. Although the second floor is proposed at 100% of the ground-floor garage footprint rather than 75%, the overall design has been developed to remain compatible with the scale and character of the property and the surrounding historic neighborhood.

The waiver also does not change the essential residential nature of the site or intensify the use in a way that would disrupt nearby properties. The proposal is tied to an existing accessory structure and is intended to enhance the livability and long-term value of the residence without altering the historic streetscape in a materially adverse way. Because the massing is contained over the existing garage footprint, the request avoids broader site disruption and preserves the established arrangement of improvements on the lot.

b) Shall not significantly diminish the provision of public facilities.

The requested waiver will not significantly diminish the provision of public facilities because it does not require any unusual demand on public infrastructure or municipal services. The proposal remains a residential accessory improvement on an existing developed lot and does not create a commercial use, subdivision, or increase in site intensity that would materially affect roadways, stormwater systems, water service, sewer service, solid waste collection, or emergency access beyond normal residential expectations.

The in-law quarters is ancillary to the principal residence and functions as part of the same residential property, so the waiver from the 75% second-floor limitation does not



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create a public-facility burden different in kind from other single-family residential improvements. The request concerns dimensional design flexibility over an existing garage structure, not an expansion of public demand that would impair the City's ability to serve the neighborhood.

c) Shall not create an unsafe situation.

The requested waiver will not create an unsafe situation because the proposed second-floor addition and its access stair will be designed and constructed in compliance with all applicable building, structural, fire, and life-safety code requirements. The waiver relates only to the permitted size of the second-floor area relative to the garage footprint; it does not waive code-compliant construction standards, emergency egress requirements, or any other safety provisions enforced through the building permit process.

The addition is located over an existing detached garage, which allows the project to be accommodated within the established development pattern of the property without introducing unsafe site circulation or encroaching on the function of the principal residence. Any exterior access, guardrails, lighting, and structural improvements required for safe use of the in-law quarters will remain subject to full code review. As a result, the requested waiver does not create a hazardous condition for occupants, neighbors, or the public.

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

Granting this waiver would not result in the grant of a special privilege because the request is based on the specific physical and historic context of the property, not on a unique benefit unavailable to others similarly situated. The property contains an existing detached garage in a historic setting, and the waiver is sought so the second-floor in-law quarters can reasonably utilize the full footprint of that existing accessory structure rather than being reduced to 75% in a manner that would unnecessarily limit functionality. Under similar site conditions, where an applicant is working with an existing detached garage and a compatible accessory residential use, the same type of waiver could be considered and granted.

The request therefore reflects a context-based application of the waiver criteria rather than a special entitlement. It does not seek relief for an incompatible use or an extraordinary advantage over neighboring properties, but instead asks for limited flexibility to allow an appropriate accessory addition that remains residential in character and compatible with the historic property. For that reason, approval would be consistent with the City's waiver standards and would not constitute preferential treatment.