

CITY OF DELRAY BEACH DEVELOPMENT SERVICES DEPARTMENT
SUPPLEMENTAL FORMS

VARIANCE JUSTIFICATION STATEMENT- BOARD OF ADJUSTMENT
PROPERTIES OUTSIDE OF A HISTORIC AREA

The following questions pertain to the criteria upon which the Board of Adjustment will consider this application, per LDR Section 2.4.1 (A){S}. Please address each question separately as the answers provided will assist reviewing the proposal and can be included as part of the staff report presented to the Board:

☐ **JUSTIFICATION STATEMENT IS ATTACHED, WHICH ADDRESSES THE CRITERIA OF APPROVAL BELOW:**

- a) Describe which 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):

The property is situated between Vista Del Mar Drive on the south side and Laing Street on the north side. There is a permitted 1985 swimming pool already located in the front yard (similar to both adjacent properties at 1231 and 1231). Proposing to construct a new pool and shift away from the existing house to create more deck space and safer condition for young children.

- b) Describe which literal interpretation of the regulations would deprive the applicant of rights commonly enjoyed by other properties subject to the same zoning:

The existing swimming pool was constructed in the front setback in 1985. The owner is proposing to construct a new swimming pool in the front setback to replace the existing, unsafe swimming pool. The proposed swimming pool will be at grade and will be screened from Vista Del Mar Drive North, as it has been for the past 36 years.

- c) Explain how the special conditions and circumstances have not resulted from actions of the applicant:

The property was recently purchased by the current owner. The existing swimming pool was constructed within the front setback and was non-conforming when our client purchased the property.

- d) Explain how granting the variance will not confer on to 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:

Granting this request will allow the owner to enjoy the ability to have a swimming pool, the same as other homes on Vista Del Mar Drive North are able to, should they choose. The adjacent neighbors at 1221 constructed their swimming pool in the front setback in 2013, so it seems reasonable that our client would be able to enjoy the same rights.

- e) Describe 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:

Per LDR Section 4.3.4 (K) – Development Standards Matrix, we believe this portion of the property is the only appropriate location for a swimming pool due to how setbacks are measured for this parcel. This encroachment into the front setback is the minimal necessary for a swimming pool and is to be installed at grade level. This particular part of Vista Del Mar Drive North is unique in that it has a continuous landscape median running from the easternmost address of this street to Andrews Avenue separating eastbound and westbound traffic.

- f) Explain how 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:

Again, this property is unique because it's situated between 2 streets and is accessed from the rear. Granting this variance will be in harmony with the existing regulation and not be injurious to the neighborhood as both adjacent properties (1221 and 1231) have swimming pools located in the front setbacks.

- g) Please provide any other comments and information which can be relevant or assist the Board in reviewing this request