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## JUSTIFICATION LETTER

September 26, 2019

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

Re: 1250 Crain Highway, LLC  
110 Marine Way  
Delray Beach FL 33483

To Whom It May Concern:

This letter is to provide justification for a flood variance from the Historic Preservation Board for the proposed renovations / additions to Villa #'s 1, 2 (all proposed additions will match existing Villa #2 – El. 5.25' N.A.V.D.) 3, 4 and 5, at the above referenced property, as follows:

We are requesting a variance to Section R322.2.1. of the Florida Building Code and the applicable Delray Beach LDR's Development Standards which both require that the top of concrete of the 1<sup>st</sup> floor be 12" above the FEMA Base Flood Elevation, which would be 7.0' N.A.V.D. We are basing the proposed variance on the following two appropriate reasons:

First, raising the existing finish floors (which range from Villa #1 to Villa #5 - 4.96' to 5.25') to 6.0' N.A.V.D.. (plus 12" as per FBC) would diminish the historic character of the buildings. As for making the proposed additions meet these requirements, it would make them less compatible with the historic structures which would be in direct conflict with the LDR's Development Standards and LDR's Visual Compatibility Standards.

Second, the proposed work qualifies for the historic exception to the Florida Building Code R322.2.1 and as a result the proposed work is not considered to be “substantial improvements” and therefore not subject to the FBC R322.2.1 requirements. In this proposed project, four of the proposed additions range from 77 sq. ft. up to 222 sq. ft. – which range from 8% to 19% and would be considered minimal in that they are bathrooms and a closet. It should also be noted that all additions will be designed with FEMA approved “flood vents”.

The proposed design will include that the new additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired. All proposed additions will have separate foundations and will take into account that all exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale and architectural features to protect the historic integrity of the property and its environment.

As for Villa #1, this structure is secondary and subordinate to the other 4 villas in that it has always been a support structure for the rest of the property with the existing laundry, 4 car garage and original maid’s quarters (now an efficiency apartment). If this structure was required to comply and raise to FEMA Base Flood and 12” as per the FBC, it would be detrimental to the existing topography of the grounds and the compatibility with the existing 4 car garage / exterior stairs, roof deck and surrounding villas.

**Item #1:**

**Pursuant to LDR Section 2.4.7(A)(5) – Variances:**

**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, of buildings subject to the same zoning (The matter of economic**

**hardship shall not constitute a basis for the granting of a variance).** The requested variance is for historic structures which have existing finish floor heights of approximately 2'-0" below the required FEMA 6.0' and FBC of +12" would make a proposed addition out of proportion and would be a significantly damaging change to the historic character.

**(b) That literal interpretation of the regulations would deprive the applicant of rights commonly enjoyed by other properties subject to the same zoning.** Most of the homes in the Historic Marina District are at lower finish floor elevations than the new flood elevations that came into effect in October 2017. It would appear that the historic exemption would be and is available to all qualified historic home applicants within the district.

**(c) That the special conditions and circumstances have not resulted from actions of the applicant;** These historic structures have had their finish floors elevations since 1938.

**(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 non-conforming use, of neighborhood lands, structures, or buildings under the same zoning set forth in the variance petition justify the granting of the variance.** Granting of the variance will not confer any special privilege as other historic houses in the neighborhood. Most historic houses in the neighborhood are likely below the new (October 2017) required elevations and should also have an opportunity to qualify for the same variance.

**(e) That the reason 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;** The variance is the minimum variance necessary as it does not involve structural changes that would change the existing heights of windows, door headers and or beam heights.

**(f) That the granting of the variance will be in harmony with the general purpose and intent of the existing regulations, will not be injurious to the neighborhood, or otherwise**

**detrimental to the public welfare.** The granting of the variance will preserve the historic character of both the villas and the neighborhood. The alternative action of raising the structures would be damaging to the historic structures and would not be in harmony with the neighborhood.

**Alternative findings of the Historic Preservation Board. The board may be guided by the following to make findings as an alternative to the criteria above:**

- (a) That a variance is necessary to maintain the historic character of the property and demonstrating that the granting of the variance would not be contrary to the public interest, safety, or welfare.** The variance is necessary to retain the character of all the horizontal lines of the existing structures and the additions will both be in harmony and compatible to the historic structures. The public interest, safety and welfare would not be affected by the granting of the variance.
- (b) That special conditions and circumstances exist, because of the historic setting, location, nature, or character of the land, structure, appurtenances, signs, or building involved, which are not applicable to other lands, structures, appurtenances, signs, or buildings in the same zoning district, which have not been designated as historic sites or a historic district nor listed on the Local Register of Historic Places.** Both the site and the historic structures have existing special conditions that justify the variance request. The low elevation of the site would require major disruptive changes to the site and to the existing structures to achieve the higher elevations.
- (c) That literal interpretation of the provisions of the existing ordinances would alter the historic character of the historic district, or historic site to such an extent that it would not be feasible to preserve the historic character of the historic district of historic site.** The historic villas and site were designed to be on grade, which resulted in a special courtyard setting with the existing longitudinal pond, in which all the

structures have a direct relationship and reinforce the symmetry of the property without having to add the introduction of stairs / steps.

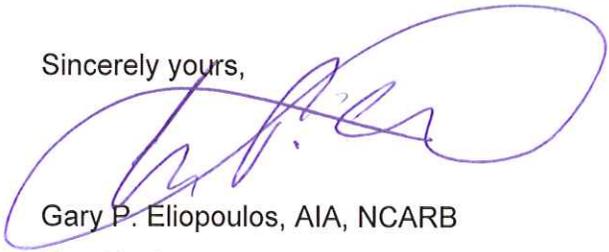
**(d) That the variance requested will not significantly diminish the historic character of a historic site or of a historic district.** The proposed variance will retain the existing historic character of both the courtyard setting and the villas and not diminish the relationship of the existing structures to one another and or the neighborhood.

**(e) That the requested variance is necessary to accommodate as appropriate adaptive reuse of a historic building, structure, or site.** The variance for the historic villas and additions will accommodate the improvements to the existing structures with minimal changes and allow for more modern-day amenities.

Please see the attached survey and proposed site plan.

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



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## JUSTIFICATION LETTER

July 16, 2019  
**September 26, 2019**  
***Revised / Corrected per comments***

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

Re: 1250 Crain Highway, LLC  
110 Marine Way  
Delray Beach FL 33483

To Whom It May Concern:

This letter is to provide justification for a rear setback variance from the Historic Preservation Board for the proposed villa renovations / additions at the above referenced property, as follows:

**Item #1:** Reduce the required rear setback for the proposed second story addition to Villa #1 "Abruzzi" from the required 25'-0" (second floor) to 10'-6" for a second-floor addition as per LDR Section 4.3.4(K).

The literal interpretation of the LDR's regarding the setbacks would deny the owner the ability to construct the proposed second story addition due to the existing conditions which are not the result of any actions of the present owner.

The existing Villa was always considered a secondary unit (actually an ancillary Villa to the other 4 Villas) - this is clearly evident with the positioning of the structure at the rear of the property and the minimal Mediterranean Revival design features compared to the rest of the Villas. Also supporting this ancillary use is the fact that the Villa currently has an efficiency

unit, laundry room, bathroom under stairs and (4) car garage, (Note: the original use was a (4) car garage, laundry room and (2) maids' quarters).

**Pursuant to LDR Section 2.4.7(A)(5) – Variances:**

**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);**

We believe the granting of this variance is justified at the above property due to the changes that have occurred over the years to the surrounding properties. The adjacent properties that have been built up around the subject property are literally towering over the existing Villas with both higher grades and three-story structures. Villa #1 as described above, is a subordinate structure to the rest of the Villas and is located at the rear of the property. The proposed addition to Villa #1 will help create a visual balance to the surrounding properties and still be compatible with the historic character of the neighborhood and the surrounding historic structures.

**(b) That literal interpretation of the regulations would deprive the applicant of rights commonly enjoyed by other properties subject to the same zoning.**

The contributing historic property abutting up along the west side of the subject property, located at 702 SE 1<sup>st</sup> Street was granted approval to be redeveloped in a similar situation. They were allowed to renovate the historic one and half story structure and construct a new three story structure (that's one and two stories higher than the original historic structure).

**(c) That the special conditions and circumstances have not resulted from actions of the applicant;**

The original design of the Marina Villas was to create a courtyard setting with all the main entry doors and façades facing inward towards the central linear pool that lies on the east west axis. This design created a sense of privacy with the landscaping, to provide a unique experience for the guest. The buildup of the abutting properties has taken that experience away with the tall structures. We believe the granting of this variance is justified at the above property due to the changes that have occurred over the years to the surrounding properties.

**(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 non-conforming use, of neighborhood lands, structures, or buildings under the same zoning set forth in the variance petition justify the granting of the variance.**

This proposed addition is not only about providing a sense of privacy but also about creating a visual balance between the low-grade elevation of the subject property and the adjacent higher elevated adjacent properties. The impact will be minimal due to the existing building already encroaches into the rear setback by 14'-6". We believe the proposed addition will be consistent with the historic characteristics of the district and this property.

**(e) That the reason 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;**

All the proposed sizes and heights of this proposed addition are considered by today's standards as "sub-standard", in that proposed room sizes and ceiling heights of both floors are at a bearing height of approx. 8'-0". In any other setting this would be 9'-0" to 10'-0" at a minimum. But it's the proposed heights that makes this addition very compatible with the existing Villa's.

- (f) That the granting of the variance will be in harmony with the general purpose and intent of the existing regulations, will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.**

As stated above, the proposed addition is minimal with regards to the proposed size and height and therefore is in complete harmony with the existing structures (Villas) and the abutting properties.

**Alternative findings of the Historic Preservation Board. The board may be guided by the following to make findings as an alternative to the criteria above:**

- (a) That a variance is necessary to maintain the historic character of the property and demonstrating that the granting of the variance would not be contrary to the public interest, safety, or welfare.**

The proposed addition respects the original design of Sam Ogren's and reinforces his vision of a private courtyard setting with the original linear pool and the east west axis of the site. When looking down the center from the east to the west, this addition will help visually minimize the over built structure abutting the subject property along the west side.

- (b) That special conditions and circumstances exist, because of the historic setting, location, nature, or character of the land, structure, appurtenances, signs, or building involved, which are not applicable to other lands, structures, appurtenances, signs, or buildings in the same zoning district, which have not been designated as historic sites or a historic district nor listed on the Local Register of Historic Places.**

When this property was originally developed, it was the only development in the area. Naturally over time the surrounding properties have been developed and most of them have been at a higher elevation. As staff has noted, the existing grades of the subject property is low and the existing Villas have floor slab heights at approximately 4.55' to 5.25' in height.

The abutting properties have their finish floor +/-2.0' higher. The proposed addition will help make this development more visually compatible with the surrounding properties.

**(c) That literal interpretation of the provisions of the existing ordinances would alter the historic character of the historic district, or historic site to such an extent that it would not be feasible to preserve the historic character of the historic district of historic site.**

When Sam Ogren originally designed this property, he pushed the structures out towards the perimeter of the property to create the courtyard setting with all the Villas facing inward. The current codes regard this property as multi-family and the setbacks are much more stringent which, if applied to this historic site, would push the buildings inward to the point there would be no courtyard setting and change the character of the site.

**(d) That the variance requested will not significantly diminish the historic character of a historic site or of a historic district.**

We are of the opinion that the proposed variance will do the exact opposite: it will reinforce the historic character of this site and the district by creating a clear boundary of this property with the abutting ones and yet at the same time make this site more compatible with the adjacent properties.

**(e) That the requested variance is necessary to accommodate as appropriate adaptive reuse of a historic building, structure, or site:**

The proposed ground floor uses of the ancillary building are being replaced with a recreation space to serve the adjacent new proposed pool area and enhancing the quality experience for the guest.

**Pursuant to LDR's Section 4.5.1(E)(7) Visual Compatibility Standards. New construction and all improvements to both contributing and noncontributing buildings, structures and appurtenances thereto within a designated historic district or on an individually designated property shall be visually compatible. In addition to the Zoning District Regulations, the Historic Preservation Board shall apply the visual compatibility standards provided for in this Section with regards to height, width, mass scale, façade, openings, rhythm, material, color, texture, roof shape, direction, and other criteria set forth elsewhere in Section 4.5.1. Visual compatibility for minor and major development shall be determined by utilizing criteria contained in (a)-(m) of this section:**

- a. Height: The height of proposed buildings or modifications shall be visually compatible in comparison or relation to the height of existing structures and buildings in a historic district – our proposed structure if granted will be a total of 22'-8<sup>3</sup>/<sub>4</sub>" to the top of roof ridge. The other historic structures on the subject property are all one story but their top of roof ridges are at +/-14'-7", which is very compatible with the proposed two story addition. What's not compatible, are the two existing three-story structures on either side of the Abruzzi (just to the west and towards the south on the abutting properties but this proposed addition will actually make it appear more visually compatible if granted).**
- b. Front façade proportion: The front facade of each building or structure shall be visually compatible with and be in direct relationship to the width of the building and to the height of the front elevation of other existing structures and buildings within the subject historic district -** The proposed second floor addition is located at the rear of the property and will have no impact on the front historic single story structures. But if granted will help reinforce the original design intent of the courtyard with the linear axis pool in the east to west direction. It will also help block out the existing three-story structure on the adjacent property that towers over 110 Marine Way.
- c. Proportion of openings (window and doors): The openings of any building within a historic district shall be visually compatible with the openings exemplified by prevailing historic architectural styles of similar buildings within the district. The**

**relationship of the width of windows and doors to the height of windows and doors among buildings shall be visually compatible within the subject historic district** - All proposed windows on this façade (westside) are matching the existing ones within the historic surrounding structures within the subject property.

- d. **Rhythm of solid to voids: The relationship of solids to voids of a building or structure shall be visually compatible with existing historic buildings or structures within the subject historic district for all development, with particular attention paid to the front facades** – The proposed addition is located on the rear of an existing accessory structure and is located at the back portion of the property. This proposed addition will not have a negative impact on the existing structures because they are located in front of this building. As for the existing adjacent three-story structures on the neighboring properties, this proposed second floor addition will help block them out and help create a sense of privacy.
- e. **Rhythm of buildings on street: The relationship of buildings to open space between them and adjoining buildings shall be visually compatible with the relationship between existing historic buildings or structures within the subject historic district** – The proposed second floor relief on the rear setback will have no negative impact towards the existing single story historic structures and/or the open space because it's at the rear of both the property and building.
- f. **Rhythm of entrance and/or porch projections** – **The relationship of entrances and porch projections to the sidewalks of a building shall be visually compatible with existing architectural styles of entrances and porch projections on existing historic buildings and structures within the subject historic district for all development.** – The proposed second floor setback relief will not project out towards the street/sidewalks and is located at the rear of the subject property which will minimize its visibility from the side street.
- g. **Relationship of materials, texture, and color: The relationship of materials, texture, and color of the façade of a building and/or hardscaping shall be visually compatible with the predominant material used in the historic buildings and structures within the subject historic district.** – All proposed materials, textures and colors are being designed to matching all the existing structures.

- h. Roof shapes: The roof shape, including type and slope, of a building or structure shall be visually compatible with the roof shape of existing historic buildings or structures within the subject historic district. The roof shape shall be consistent with the architectural style of the building.** – The proposed second floor addition is a carbon copy all the existing historic roofs shapes and styles.
- i. Walls of continuity: Walls, fences, evergreen landscape masses, or building facades, shall form cohesive walls of enclosure along a street to ensure visual compatibility with historic buildings or structures within the subject historic district and the structure to which it is visually related.** The proposed second floor addition is at the rear of the property and will have a minimal effect on compatibility and relationship to the existing historic structures. As for the other structures on the neighboring properties, they tower over this proposed property and addition. But if granted, it will reduce the negative impact the abutting buildings have on this site.
- j. Scale of building: The size of a building and building mass in relation to open spaces, windows, door openings, balconies, porches, and lot size shall be visually compatible with the building size and mass of historic buildings and structures within a historic district for all development.** The proposed second floor addition is directly proportionate to the existing historic single-story structures and is minimal in size compared to the adjacent three-story structures on either side of it.
- k. Directional expression of the front elevation: A building shall be visually compatible with the buildings, structures, and sites within a historic district for all development with regard to its directional character, whether vertical or horizontal.** – The proposed second floor addition is extremely harmonious and supportive of the existing architecture.
- l. Architectural style: All major and minor development shall consist of only one architectural style per structure or property and not introduce elements definitive of another style.** – The proposed second floor addition is not introducing any elements from any other architectural styles.
- m. Additions to individually designated properties and contributing structures in all historic districts: Visual compatibility shall be accomplished as follows:**

- 1. Additions shall be located to the rear or at least public side of a building and be as inconspicuous as possible.**
- 2. Additions or accessory structures shall not be located in front of the established front wall plane of a historic building.**
- 3. Characteristic features of the original building shall not be destroyed or obscured.**
- 4. Additions shall be designed and constructed so that the basic form and character of the historic building will remain intact if the addition is ever removed.**
- 5. Additions shall not introduce a new architectural style, mimic too closely the style of the existing building nor replicate the original design but shall be coherent in design with the existing building.**
- 6. Additions shall be secondary and subordinate to the main mass of the historic building and shall not overwhelm the original building.**

The existing Abruzzi building is located at the rear of the property and has always been considered an ancillary structure to the main four historic single-story structures that are in front of it, which minimizes its visibility from Marine Way. The above items are designed to protect the main existing historic structure / structures; this proposed addition is not for the primary historic buildings but rather for an existing accessory structure to the rest of the existing buildings. It's the garage, efficiency unit (originally the maids' quarters) and laundry room which are currently being towered over by adjacent three-story buildings on the neighboring properties. This proposed second floor addition on this accessory building will not overwhelm the original buildings but rather minimize the massing of the abutting properties.

The proposed second story addition will be in harmony with the general purpose and intent of existing regulations and will not be injurious or otherwise detrimental to the neighborhood or public welfare.



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

Front setback: 25'-0" (Marine Way)

Side street setback: 25'-0" (SE 1<sup>st</sup> Street)

Side interior setback: 15'-0"

Rear setback: 25'-0"

Please see the attached survey and proposed site plan.

Should you have any questions, please feel free to contact me at our office (561) 276-6011.

Sincerely yours,

A handwritten signature in blue ink, appearing to read "Gary P. Eliopoulos", is written over a large, loopy blue scribble.

Gary P. Eliopoulos, AIA, NCARB

President



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## JUSTIFICATION LETTER

July 17, 2019

**September 26, 2019**

***Revised / Corrected per comments***

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

Re: 1250 Crain Highway, LLC  
110 Marine Way  
Delray Beach FL 33483

To Whom It May Concern:

This letter to provide justification for a side street setback variance from the Historic Preservation Board for the proposed villa renovations / additions at the above referenced property, as follows:

**Item #1:** Reduce the required side street setback for the proposed second story addition to Villa #1 "Abruzzi" from the required 25'-0" (second floor) to 18'-7½" for a second-floor addition as per LDR Section 4.3.4(K).

The literal interpretation of the LDR's regarding the setbacks would deny the owner the ability to construct the proposed second story addition due to the existing conditions which are not the result of any actions of the present owner. The existing building is located 13'-7½" off the property line, and the proposed second floor addition is an additional 5'-0" setback for a total of 18'-7½".

The existing Villa was always considered a secondary unit (actually an ancillary Villa to the other 4 Villas) - this is clearly evident with the positioning of the structure at the rear of the

property and the minimal Mediterranean Revival design features compared to the rest of the Villas. Also supporting this ancillary use is the fact that the Villa currently has an efficiency unit, laundry room, bathroom under stairs and (4) car garage, (Note: the original use was a (4) car garage, laundry room and (2) maids' quarters).

**Pursuant to LDR Section 2.4.7(A)(5) – Variances:**

**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, of buildings subject to the same zoning (The matter of economic hardship shall not constitute a basis for the granting of a variance);**

We believe the granting of this variance is justified at the above property due to the changes that have occurred over the years to the surrounding properties. The adjacent properties that have been built up around the subject property are literally towering over the existing Villas with both higher grades and three-story structures. Villa #1 as described above, is a subordinate structure to the rest of the Villas and is located at the rear of the property. The proposed addition to Villa #1 will help create a visual balance to the surrounding properties and still be compatible with the historic character of the neighborhood and the surrounding historic structures.

- (b) That literal interpretation of the regulations would deprive the applicant of rights commonly enjoyed by other properties subject to the same zoning.**

The contributing historic property abutting up along the west side of the subject property, located at 702 SE 1<sup>st</sup> Street was granted approval to be redeveloped in a similar situation. They were allowed to renovate the historic one and half story structure and construct a new three story structure (that's one and two stories higher than the original historic structure).

**(c) That the special conditions and circumstances have not resulted from actions of the applicant;**

The original design of the Marina Villa's was to create a courtyard setting with all the main entry doors and facades face inward towards the central linear pool that lies on the east west axis. This design created a sense of privacy with the landscaping, to provide a unique experience for the guest. The buildup of the abutting properties has taken that experience away with the tall structures. We believe the granting of this variance is justified at the above property due to the changes that have occurred over the years to the surrounding properties.

**(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 non-conforming use, of neighborhood lands, structures, or buildings under the same zoning set forth in the variance petition justify the granting of the variance.**

This proposed addition is not only about providing a sense of privacy but also about creating a visual balance between the low-grade elevation of the subject property and the adjacent higher elevated adjacent properties. The impact will be minimal due to the existing building (garage) already encroaches into the side street setback by 11'-6 1/2". We believe the proposed addition will be consistent with the historic characteristics of the district and this property.

**(e) That the reason 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;**

All the proposed sizes and heights of this proposed addition are considered by today's standards as "sub-standard", in the proposed room sizes and ceiling heights of both floors are at a bearing height of approx. 8'-0". In any other setting this would be 9'-0" to 10'-0" at

a minimum. But it's the proposed heights that makes this addition very compatible with the existing Villas.

**(f) That the granting of the variance will be in harmony with the general purpose and intent of the existing regulations, will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.**

As stated above, the proposed addition is minimal with regards to the proposed size and height and therefore is in complete harmony with the existing structures (Villas) and the abutting properties. Plus there is an additional 5'-0" setback proposed on the second floor to help create more harmony with the street façade.

**Alternative findings of the Historic Preservation Board. The board may be guided by the following to make findings as an alternative to the criteria above:**

**(a) That a variance is necessary to maintain the historic character of the property and demonstrating that the granting of the variance would not be contrary to the public interest, safety, or welfare.**

The proposed addition respects the original design of Sam Ogren's and reinforces his vision of the Art Moderne Style of Architecture and similar elements of the original garage portion of Villa #1.

**(b) That special conditions and circumstances exist, because of the historic setting, location, nature, or character of the land, structure, appurtenances, signs, or building involved, which are not applicable to other lands, structures, appurtenances, signs, or buildings in the same zoning district, which have not been designated as historic sites or a historic district nor listed on the Local Register of Historic Places.**

When this property was originally developed, it was the only development in the area. Naturally over time the surrounding properties have been developed and most of them have

been at a higher elevation. As staff has noted, the existing grade of the subject property is low and the existing Villas have floor slab heights at approximately 4.55' to 5.25' in height. The abutting properties have their finish floor +/-2.0' higher. The proposed addition will help make this development more visually compatible with the surrounding properties.

**(c) That literal interpretation of the provisions of the existing ordinances would alter the historic character of the historic district, or historic site to such an extent that it would not be feasible to preserve the historic character of the historic district of historic site.**

When Sam Ogren originally designed this property, he pushed the structures out towards the perimeter of the property to create the courtyard setting with all the Villa's facing inward. The current codes, regard this property as multi-family and the setbacks are much more stringent which, if applied to this historic site, would push the buildings inward to the point there would be no courtyard setting and change the character of the site. The proposed second floor along the side street setback has an additional 5'-0" offset to help minimize the impact and define the second-floor addition from the ground floor original garage.

**(d) That the variance requested will not significantly diminish the historic character of a historic site or of a historic district.**

We are of the opinion that the proposed variance will do the exact opposite: it will reinforce the historic character of this site and the district by creating a clear boundary of this property with the abutting ones and yet at the same time make this site more compatible with the adjacent properties.

**(e) That the requested variance is necessary to accommodate as appropriate adaptive reuse of a historic building, structure, or site:**

The proposed ground floor uses of the ancillary building are being replaced with a recreation space to serve the adjacent new proposed pool area and enhancing the quality experience

for the guest. As for the second floor, it will be a residential unit that will have a minimal walk around terrace along the side street that will help create relief from the side street side back.

**Pursuant to LDR's Section 4.5.1(E)(7) Visual Compatibility Standards. New construction and all improvements to both contributing and noncontributing buildings, structures and appurtenances thereto within a designated historic district or on an individually designated property shall be visually compatible. In addition to the Zoning District Regulations, the Historic Preservation Board shall apply the visual compatibility standards provided for in this Section with regards to height, width, mass scale, façade, openings, rhythm, material, color, texture, roof shape, direction, and other criteria set forth elsewhere in Section 4.5.1. Visual compatibility for minor and major development shall be determined by utilizing criteria contained in (a)-(m) of this section:**

The impact will be minimal due to the existing building (garage) already encroaches into the side street setback by 11'-6 ½". We feel the proposed addition will be consistent with the historic characteristics of the district and this property, and will meet visual compatibility standards as per LDR Section 4.5.1(E)(7)(m):

- a. **Height: The height of proposed buildings or modifications shall be visually compatible in comparison or relation to the height of existing structures and buildings in a historic district** – Our proposed structure if granted will be a total of 22'-8¾" to the top of roof ridge. The other historic structures on the subject property are all one story but their top of roof ridges are at +/-14'-7", which is very compatible with the proposed two story addition. What's not compatible, are the two existing three-story structures on either side of the Abruzzi (just to the west and towards the south).
- b. **Front façade proportion: The front facade of each building or structure shall be visually compatible with and be in direct relationship to the width of the building and to the height of the front elevation of other existing structures and buildings within the subject historic district** - The proposed second floor addition is setback

5'-0" along the north façade and is also setback 5'-0" along the eastside making it very proportionate and having a direct relationship to the existing ground floor garage structure and the surrounding one-story buildings.

- c. **Proportion of openings (window and doors):** The openings of any building within a historic district shall be visually compatible with the openings exemplified by prevailing historic architectural styles of similar buildings within the district. The relationship of the width of windows and doors to the height of windows and doors among buildings shall be visually compatible within the subject historic district - All proposed windows and doors are matching the existing ones within the historic surrounding structures within the subject property. Unfortunately, the monolithic existing three-story structures adjacent to our proposed project, make our project look noncompatible because they dwarf our proposed project.
- d. **Rhythm of solid to voids:** The relationship of solids to voids of a building or structure shall be visually compatible with existing historic buildings or structures within the subject historic district for all development, with particular attention paid to the front facades – The majority of the proposed addition to the Abruzzi will occur on the second floor and the portion on the ground floor that expands the building towards the existing single story structures will not be visible to the general public. As for the existing adjacent three-story structures on the neighboring properties, this proposed second floor addition will help block them out and help create a sense of privacy.
- e. **Rhythm of buildings on street:** The relationship of buildings to open space between them and adjoining buildings shall be visually compatible with the relationship between existing historic buildings or structures within the subject historic district – The proposed second floor addition has a 5'-0" setback off of the ground floor front and side for additional relief in relationship to the existing single story structures to help maintain the visual compatibility.
- f. **Rhythm of entrance and/or porch projections –** The relationship of entrances and porch projections to the sidewalks of a building shall be visually compatible with existing architectural styles of entrances and porch projections on existing historic buildings and structures within the subject historic district for all

**development.** – The proposed second floor addition will not project out towards the street/sidewalks and is located at the rear of the subject property which will minimize its visibility from the street. The proposed addition also maintains the existing rhythm of arched openings along the ground level, and the proposed entrances are symmetrical to these openings.

- g. Relationship of materials, texture, and color:** The relationship of materials, texture, and color of the façade of a building and/or hardscaping shall be visually compatible with the predominant material used in the historic buildings and structures within the subject historic district. – All proposed materials, textures and colors are being designed to match all the existing structures.
- h. Roof shapes:** The roof shape, including type and slope, of a building or structure shall be visually compatible with the roof shape of existing historic buildings or structures within the subject historic district. The roof shape shall be consistent with the architectural style of the building. – The proposed second floor addition is a carbon copy all the existing historic roofs shapes and styles.
- i. Walls of continuity:** Walls, fences, evergreen landscape masses, or building facades, shall form cohesive walls of enclosure along a street to ensure visual compatibility with historic buildings or structures within the subject historic district and the structure to which it is visually related. The existing ground floor/garage of the Abruzzi building is not being changed and therefore the cohesiveness along the street will not change. The proposed second floor addition is set back an additional 5'-0" to help reinforce the compatibility of the adjacent buildings.
- j. Scale of building:** The size of a building and building mass in relation to open spaces, windows, door openings, balconies, porches, and lot size shall be visually compatible with the building size and mass of historic buildings and structures within a historic district for all development. The proposed second floor addition is directly proportionate to the existing historic single-story structures and is minimal in size compared to the adjacent three-story structures on either side of it.
- k. Directional expression of the front elevation:** A building shall be visually compatible with the buildings, structures, and sites within a historic district for all development with regard to its directional character, whether vertical or

**horizontal.** – The proposed second floor addition is extremely harmonious and supportive of the existing architecture.

- l. Architectural style: All major and minor development shall consist of only one architectural style per structure or property and not introduce elements definitive of another style.** – The proposed second floor addition is not introducing any elements from any other architectural styles.
  
- m. Additions to individually designated properties and contributing structures in all historic districts: Visual compatibility shall be accomplished as follows:**
  - 1. Additions shall be located to the rear or at least public side of a building and be as inconspicuous as possible.**
  - 2. Additions or accessory structures shall not be located in front of the established front wall plane of a historic building.**
  - 3. Characteristic features of the original building shall not be destroyed or obscured.**
  - 4. Additions shall be designed and constructed so that the basic form and character of the historic building will remain intact if the addition is ever removed.**
  - 5. Additions shall not introduce a new architectural style, mimic too closely the style of the existing building nor replicate the original design but shall be coherent in design with the existing building.**
  - 6. Additions shall be secondary and subordinate to the main mass of the historic building and shall not overwhelm the original building.**

The existing Abruzzi building is located at the rear of the property and the main four historic single-story structures are in front of it, which minimizes its visibility from the street. The above items are designed to protect the main existing historic structure / structures; this proposed addition is not for the primary historic buildings but rather for an existing accessory structure to the rest of the existing buildings. It's the garage, maids' quarters and laundry room and is currently being towered over by adjacent three-story buildings on the neighboring properties. This proposed second floor addition on this accessory building will

not overwhelm the original buildings but rather minimize the massing of the abutting properties.

The proposed second story structure will be in harmony with the general purpose and intent of existing regulations and will not be injurious or otherwise detrimental to the neighborhood or public welfare.

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

Front setback: 25'-0" (Marine Way)

Side street setback: 25'-0" (SE 1<sup>st</sup> Street)

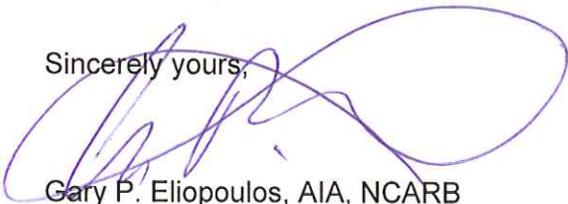
Side interior setback: 15'-0"

Rear setback: 25'-0"

Please see the attached survey and proposed site plan.

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