

**237 SW 27th Terrace
Variance Request
Justification Statement**

Benjamin T. Louden and Adi Louden are the owners of the 0.19-acre parcel located at the corner of SW 3rd St. and SW 27th Terrace (PCN: 12-43-46-18-26-002-0122) in the Woodlake neighborhood (the "property"). Our property includes a 1373 square foot single-story duplex home built in 1982. The property is zoned as RL Low Density Residential.

The applicants are requesting a variance from LDR Section 4.4.6(F)(2)(a)(1)(b) to allow a rear setback of 17.6 feet in lieu of the required twenty-five foot rear setback requirement in order to add a patio enclosure and office of 400 square feet at the back of our house (196 square feet for the new patio enclosure and 204 square feet for the new office). We believe that the proposed addition will enhance our property without affecting the appearance of the Woodlake neighborhood or affecting the properties of our contiguous neighbors in any way. Indeed, the addition would not be visible from either the front or the side of our house. Our proposed addition has been approved by The Woodlake Homeowners Association, and its architectural committee, as well as by our contiguous neighbors.

The applicants provide the following information in support of the proposed 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. Economic hardship shall not constitute a basis for the granting of a variance.

The subject lot is a corner lot approximately 110 feet by 81 feet with a curved shape where SW 3rd St. and 27th Terrace join together. Lot sizes in Woodlake neighborhood (Homewood Lakes Section C) are variable, ranging from 0.1 acres to 0.25 acres for duplex homes and 0.22 acres to 0.38 acres for single family homes. Presently, at 0.19 acres, the subject lot is one of the largest duplex corner lot properties in Woodlake. The Woodlake neighborhood includes a number of homes with patio enclosures with less than 25-foot rear setbacks that were built before 2023 and that exist as non-conformities in the community that would not be allowed by current zoning. These enclosures serve as flexible spaces and Florida sunrooms, most of which were built with existing duplex properties in the site from the 1980's. Our home was built in 1982 and did not have an existing patio enclosure.

Moreover, our property is one of sixteen duplexes with corner lots in the Woodlake neighborhood. Due to the location of the pool and its associated equipment, the rear yard area is the only place an addition can be erected; however, the distance from our home to the rear property line is currently 30.9 feet. With the 25-foot setback rule, we could only construct an addition of less than six feet away from the rear of the home, which is too small to be feasible.

An alternative location for the addition was evaluated. The other alternative to avoid the need for a variance would be to remove the pool equipment on the side of the house and to build on to

the existing structure from the side street (SW 3rd St.) instead of from the rear; however, this alternative would change the overall look and aesthetic of the home. Such an addition would also be visible from SW 3rd St., which may not align with Woodlake HOA standards.

Therefore, the addition proposed in the rear of the property would provide a flexible area to enjoy and optimize the full potential of our yard space. Placing the addition in the rear area would not affect our neighbors' privacy or the views from their properties, nor would it affect the amount of daylight their properties would receive.

(b) The literal interpretation of Section 4.3.4 would deprive the applicant of rights commonly enjoyed by other properties subject to the same zoning.

A literal interpretation of Section 4.3.4 would prevent the applicants from being able to enjoy their home without such a large 25-foot rear setback restriction, just as most owners in Woodlake neighborhood get to do. As noted above, several other property owners in the community are grandfathered in with existing enclosures built on to their homes when they were constructed in the 1980's or added before 2023.

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

The applicants did not build their home, which was built in 1982. Rather, they purchased the home in 2024. Our proposed rear setback of 17.6 feet would have met the previous setback requirement prior to 2023. The home aligns with the historic development of single-story and small-scale duplex homes. As stated in the Planning and Zoning Board Staff Report of March 15, 2023, duplexes have increasingly taken on the form of a multi-family or townhome units, rather than the small-scale structures previously seen. The granting of this variance would not result in a townhome-like development. Rather, it will maintain the integrity of a single-story "smaller-scale duplex similar in intensity to a single-family home". The report also stated that a 15-foot rear setback was sufficient to maintain adequate open space between buildings (refer to Ordinance No. 16-93).

The intent of Ordinance No. 25-23, a City-initiated amendment to Section 4.3.4 effective June 13, 2023, was stated as follows:

"Base District Development Standards," Subsection (K), "Development Standards Matrix," was specifically created to address the evolving duplex development type that has evolved in Delray Beach by increasing the setbacks for duplex in both RL and RM zoning districts.

Additionally, the Planning and Zoning Board Staff Report states:

"The Board should consider if the proposed changes to setbacks should apply to all duplex development, or if single-story or two-story duplexes should be allowed to have a rear setback of 15 feet (more in line with the 10-foot setbacks for single-family homes)." Furthermore, by allowing a variance to reduce the smaller rear setback to 15 feet for single-story duplexes would incentivize the development of the traditional duplex form, which has typically filled an important role in the provision of more affordable housing inventory. By allowing this variance, young

homeowners are able to comfortably start a family using already existing yard space for an addition instead of moving to a single-family home which aligns with affordability and improves the existing duplex and adds value to the home.

Importantly, both adjacent neighbors directly to the north and east ends of the applicants' property have two-story duplex dwellings, such that the proposed single-story addition would not inhibit the enjoyment of sunlight as referenced by one of the board members in a July 2023 meeting.

(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 nonconforming use, of neighborhood lands, structures, or buildings under the same zoning shall be considered grounds for the issuance of a variance.

As stated above, many duplexes in the Woodlake neighborhood already have patio enclosures, including Florida rooms that were built with the homes, and which have rear setbacks of less than 25 feet. The proposed enclosed area for the addition to the applicants' home will not be visible at all to either of the neighboring property owners and will be away from street view and align with the spirit of the community. Based on conversations in our meeting with zoning officials on February 12th, there have been no previous variance applications regarding rear setback in our community after Ordinance No. 25-23 was established.

(e) That the reasons established 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.

As previously indicated, the applicants propose to reduce the rear setback by 7.4 feet, making this a minimum variance. Furthermore, the variance request covers less than 13.3 feet of the 30.9-foot depth of the lot, so this variance request still honors leaving green space in the yard. Therefore, it is clearly a minimum variance making possible the reasonable use of the land and building.

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

The building of the proposed addition has already been approved by the Woodlake HOA and architectural committee, to conform with community architectural and aesthetic standards, as well as by the contiguous neighbors. Those neighbors would not experience any obstructions of their views as this addition would add to the back of the existing single-story structure, not adding a second story. With reference to Ordinance No. 25-23, our duplex was built in 1982 when "duplexes were traditionally constructed as small, single-story structures" and "the adopted duplex setbacks are written to accommodate single-story structures rather than two or

three-story duplex structures". The granting of this variance would not involve a multi-story duplex development and would not block sunlight from our neighbors.

A similar duplex home in the Woodlake neighborhood (at 457 SW 29th Ave.) had an addition of 272 square feet in 2019-2020 on a 0.13-acre lot with a rear setback of less than 25 feet; however, a variance was not necessary at the time because the rear setback before the establishment of Ordinance No. 25-23 (RL) zoning was 15 feet. Our request is consistent with that addition.