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VIA CERTIFIED MAIL

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Planning & Zoning Division
100 NW 1st Ave.,
Delray Beach, FL 33444

**RE: Variance Application: Analysis Addressing Chapter 3: Performance Standards
Property Address: 1920 Spanish Trail, Delray Beach, FL, 33483**

Dear Members of the Planning and Zoning Board,

This firm represents the owners (collectively, the “Applicants”) of the property located at 1920 Spanish Trail, Delray Beach, FL 33483 (the “Property”). Applicants are seeking a variance to the twenty five (25) foot setback required by the City of Delray Beach’s Municipal Code (the “Code”) for the construction of pools at the Property. The purpose of this letter is to address Chapter 3: Performance Standards Section 3.2.3 – Standards for Site Plan and/or Plat Actions in the Code in support of the requested variance application.

Section 3.2.3 – Standards for Site Plan and/or Plat Actions

(A) Building design, landscaping, and lighting (glare) shall be such that they do not create unwarranted distractions or blockage of visibility as it pertains to traffic circulation.

The construction of pools for each unit on the Property will not create any distractions or block visibility in relation to traffic circulation. The design plans demonstrate that the pools will be within the provided yard spaces, and will be screened using an aluminum fence and landscaping to ensure that the pools and any activities occurring within them are not noticeable to passersby.

(B) All development shall provide pedestrian, bicycle, and vehicular interconnections to adjacent properties, where possible, and include accessible routes from the entry points of publicly-accessible buildings to the sidewalk network in accordance with the Americans with Disabilities Act (ADA).

Not applicable. The variance requested pertains to the construction of pools and will not interfere with or require modifications to existing roadways and sidewalks. No changes are proposed in terms of pedestrian or vehicular interconnections.

(C) Open space enhancements and recreational amenities shall be provided to meet Objective OPR 1.4 and other requirements of the Goals, Objectives and Policies, as applicable, of both the Open Space, Parks, and Recreation Element and Conservation Element.

Not applicable to improvements to existing developments.

(D) Any proposed street widening or modifications to traffic circulation shall be evaluated by the City, and if found to have a detrimental impact upon or result in the degradation of an existing neighborhood, the request shall be modified or denied.

Not applicable, as the project does not involve any proposed street widening or changes to traffic circulation.

(E) Development of residentially zoned vacant land shall be planned in a manner consistent with adjacent development regardless of zoning designations.

The Property is consistent with adjacent developments. The proposed project is to develop pools on the Property, which requires a variance for the 25-foot setback requirement. The other properties in the neighborhood are not subject to this setback due as conventional single family properties pursuant to code section 4.6.15(G)(1). Therefore, the requested change will be consistent with the prevailing development pattern of the surrounding properties.

(F) Property shall be developed or redeveloped in a manner so that the use, intensity, and density are appropriate in terms of soil, topographic, and other applicable physical considerations; encourage affordable goods and services: are complementary to and compatible with adjacent land uses; and fulfill remaining land use needs.

Not applicable.

(G) Development shall provide a variety of housing types that accommodates the City's growing and socio-economically diverse population to meet the Goals, Objectives, and Policies the Housing Element.

Not applicable, as this project does not involve the construction of new housing types.

(H) Consideration shall be given to the effect a development will have on the safety, livability, and stability of surrounding neighborhoods and residential areas. Factors such as but not limited to, noise, odors, dust, and traffic volumes and circulation patterns shall be reviewed and if found to result in a degradation of the-surrounding areas, the project shall be modified accordingly or denied.

The construction of the pools is routine in the area. Many neighboring residents maintain pools on their properties. This proposed project will not affect safety, livability, and stability of

surrounding neighborhoods and residential areas. There are no impacts to noise, traffic, odor or dust from construction of the proposed pools.

(I) Development shall not be approved if traffic associated with such development would create a new high accident location, or exacerbate an existing situation causing it to become a high accident location, without such development taking actions to remedy the accident situation.

The Applicant's proposed project does not introduce any new traffic impacts or create hazardous conditions.

(J) Tot lots and recreational areas, serving children, teens, and adults shall be a feature of all new housing developments as part of the design to accommodate households having a range of ages. This requirement may be waived or modified for residential developments located in the downtown area, and for infill projects having fewer than 25 units.

Not applicable.

(K) Development shall not exceed the maximum limits established in the Table NDC-1, Land Use Designations: Density, Intensity, and Implementing Zoning Districts, of the Neighborhoods, Districts, and Corridors Element or specific standards established in the zoning districts that limit density (dwelling units per acre) or intensity (floor area ratio) and must adhere to whichever limit is lower. Development in areas included in density or incentive programs (i.e. workforce housing programs specified in Article 4.7-Family/Workforce Housing) may exceed the Standard density limit, up to the specified Revitalization/Incentive density established for the program: development in all other areas shall not exceed the Standard density.

Not applicable, as the project does not exceed the density or intensity limits for the area.

(L) Development shall meet the intent of CSR 5, Energy Efficiently and Diverse Energy Mix and, where applicable, the requirements of LDR Section 7.11.1, Green Building Regulations.

Not applicable, as the development does not involve any modifications that would require adherence to energy efficiency or green building regulations.

Thank you in advance for your time and attention to this matter. If you have any questions, or if I may be of assistance, my office is available by phone or e-mail at your convenience.

Sincerely,

/s/  _____
Ryan Abrams, Esq