



SYNALOVSKI ROMANIK SAYE  
Architecture • Planning • Interior Design

**September 02, 2022**

**City of Delray Beach  
Development Services Department  
100 NW 1st Avenue  
Delray Beach, FL 33444**

**RE: Waiver Request: Justification Statement  
Project:  
98 NW 5<sup>th</sup> Ave  
Delray Beach, FL 33444**

To Whom It May Concern:

Please accept this letter on behalf of the Delray Beach Community Redevelopment Agency (Delray Beach CRA), respectfully requesting the approval of a waiver from the Delray Beach Land Development Regulations (LDR), Section 4.4.13, Dimensional Requirements for Central Business District (CBD) Sub-districts, to reduce the storefront glazing requirements.

The subject property is located at the southwest corner of NW 5<sup>th</sup> Avenue and NW 1<sup>st</sup> Street, more specifically, 98 NW 5<sup>th</sup> Avenue. The project was previously approved with a Certification of Appropriateness (COA)/ Class III Site Plan Modification to repurpose, renovate and bring the current structure into compliance with the Delray Beach LDR Regulations and Florida Building Code (FBC), as well as, Americans with Disabilities Act (ADA) compliance for retail and office use.

Due to the existing site conditions and limitations, the following waivers are being requested:

1. Storefronts are glazed to 6'-10" in lieu of 8' (Previously approved at 7'-2" in lieu of 8')
2. Storefronts are glazed at a width of 69% (North) and 62% (East) in lieu of 80% (Previously approved at 75% (North) and 62% (East) in lieu of 80%)

This request is the minimum necessary to redevelop the property and meet the current and applicable code requirements. The approval of this request will not negatively impact the surrounding area in any way, in fact, the renovation and reuse of this building will have a positive impact on the adjacent properties and surrounding area. Once completed, the redevelopment of 98 NW 5<sup>th</sup> Avenue will not only provide a beautiful building and landscaping that meets the current Delray Beach LDR and FBC, but also, provide much needed affordable retail/office space for the community. By redeveloping the property, the Delray Beach CRA will further its mission to eliminate slum and blight.

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**Sec. 2.4.7.(B)(5) – Procedures for obtaining relief from compliance with portions of the Land Development Regulations.**

Findings. Prior to granting a waiver, the granting body shall make findings that the granting of the waiver:

(a) Shall not adversely affect the neighboring area;

**Response: Granting the waiver will be in harmony with the general purpose and intent of the existing regulations, it will not be injurious to the neighborhood or otherwise detrimental to the public welfare. Through the redevelopment of the property, the building will be redeveloped to include façade renovation on all elevations and the conversion of existing ground floor parking to retail and office space. The second story will be converted from apartments to a coworking space. This change in use will provide much needed, affordable retail and office space to the community. The building is currently out of date, in disrepair and unoccupied. Renovation of the exterior and interior, as well as, bringing the property up to current regulations and codes will be a positive attribute to the area. This is an opportunity to stabilize the area, making it more attractive and safer for the community.**

(b) Shall not significantly diminish the provision of public facilities;

**Response: Granting the waiver will not diminish the provision of public facilities in any way. The building and public facilities are currently existing and are being improved through this redevelopment project.**

(c) Shall not create an unsafe situation; and,

**Response: Granting the waiver will not create an unsafe situation. In fact, the redevelopment of this existing vacant structure, will increase the safety of the site and surrounding area. The redevelopment of the site and building has incorporated CPTED design elements that assist with creating a safe environment and will be constructed to the current Delray Beach LDR and FBC.**

(d) Does not result in the grant of a special privilege in that the same waiver would be granted under similar circumstance on other property for another applicant or owner.

**Response: The property is located in the CBD. Granting this waiver will not confer any special privileges provided under the same zoning designation. The building was originally constructed for multifamily residential use (apartments); and through the years, ownership has changed. The previous owner was utilizing the building as a substance abuse**



**rehabilitation center. After the City amended the LDR, the previous owner was unable to comply with the new code regulations due to the financial investment required and vacated the property. The Delray Beach CRA acquired the property and wishes to renovate and repurpose it. The request will not provide any special privileges to the land, structure or building; only allow the applicant to meet the current LDR and FBC requirements required to renovate the existing building.**

LDR Section 4.4.13 K (5) Waivers. Within the CBD the following standards shall be used by the City Commission, SPRAB or HPB when considering waiver requests, in addition to the findings in Section 2.4.7(B)(5): (Ord. No. 19-18, § 11, 10-16-18):

(a) The waiver shall not result in an inferior pedestrian experience along a Primary Street, such as exposing parking garages or large expanses of blank walls.

**Response: The requested waivers will not in any way diminish the pedestrian experience along a primary street. The renovation and redevelopment of the property will only enhance the area and bring the property into compliance with the current LDR and FBC, thus, improving the pedestrian experience around the site.**

(b) The waiver shall not allow the creation of significant incompatibilities with nearby buildings or uses of land.

**Response: The requested waivers will not in any way diminish the character of the area. The subject property is neither a historically designated property, nor classified as a historically contributing structure. The renovation and redevelopment of the property will only enhance the area and bring the property into compliance with the current Delray Beach LDR and FBC.**

(c) The waiver shall not erode the connectivity of the street and sidewalk network or negatively impact any adopted bicycle/ pedestrian master plan.

**Response: The requested waivers will not in any way erode the connectivity of the street and sidewalk network in any negative way. The renovation and redevelopment of the property will only enhance the area and bring the property into compliance with the current Delray Beach LDR and FBC.**

(d) The waiver shall not reduce the quality of civic open spaces provided under this code.

**Response: The requested waivers will not in any way reduce the quality of civic open space within area. The renovation and redevelopment of the property will only enhance the area and bring the property into compliance with the current Delray Beach LDR and FBC.**



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In advance, we thank you for your attention to this matter. Do not hesitate to contact us should you have any questions with the above.

Respectfully,  
Manuel Synalovski, AIA.  
FL. LIC. #11,628.

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## **Delray Beach CRA Justification Statement**

### **TAC Comment**

LDR Section 4.5.1(E) Development Standards- All new development or exterior improvements on individually designated historic properties and/or properties located within historic districts shall comply with the goals, objectives, and policies of the Comprehensive Plan, the Delray Beach Historic Preservation Design Guidelines, the Secretary of the Interior's Standards for Rehabilitation , and the Development Standards of this Section.

LDR 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 regard to height, width, mass, scale, façade, opening, 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.

**Provide a written narrative or justification statement demonstrating how the proposal complies with the requirements of the Secretary of the Interior Standards for Rehabilitation, as well as the Visual Compatibility Standards.**

### **Compliance with The Secretary of the Interior's Standards for Rehabilitation**

The Secretary of Interior's Standards for the Treatment of Historic Properties within Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings are four different approaches to the treatment of historic properties. The two-story building located at 98 Northwest 5<sup>th</sup> Avenue, is neither designated as a historic property and nor classified as a contributing structure within the West Settlers Historic District. As such, the Delray Beach CRA does not agree that the Secretary of Interior's Standards for the Rehabilitation of Historic Properties is applicable in this circumstance. However, as LDR Section 4.5.1(E) currently requires compliance with the Secretary of Interior's Standards for Rehabilitation for all new development and/or exterior improvements on all properties located within historic districts, the Delray Beach CRA provides the below responses as it relates to compliance with the Secretary of the Interior's Standards for Rehabilitation.

#### **Standard 1:**

A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

#### **Response 1:**

The property located at 98 Northwest 5<sup>th</sup> Avenue is neither a historically designated property nor classified as a contributing structure within the historic district. Notwithstanding, the proposed design does maintain the original exterior walls of the two-story building while accommodating a modern use for the building and site. The proposed design and use aim to embrace the characteristics of the site and surrounding environment with no negative effect on the historic

integrity of the West Settlers Historic District while bringing greater economic development and activation to the Northwest 5<sup>th</sup> Avenue corridor.

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**Standard 2:**

The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

**Response 2:**

The property located at 98 Northwest 5<sup>th</sup> Avenue is neither a historically designated property nor classified as a contributing structure within the historic district. The proposed design and use for the property do not alter any previously recognized historic character, features, or spaces of the property, or involve removal of previously recognized historic materials. Notwithstanding, the proposed design does maintain the original exterior walls of the two-story building while accommodating a modern use for the building and site.

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**Standard 3:**

Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

**Response 3:**

The proposed design will not include architectural elements that would create a “false sense of historical development.” The proposed design reflects characteristics and elements of the Masonry Modern architectural style that is in line with the building’s current architectural style, the Delray Beach Central Business District Architectural Design Guidelines, and with the other buildings and structures within the historic district.

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**Standard 4:**

Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

**Response 4:**

The property located at 98 Northwest 5<sup>th</sup> Avenue is neither a historically designated property nor classified as a contributing structure within the historic district. The proposed design does not involve the removal of any previously recognized historically significant change, addition, or alteration.

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**Standard 5:**

Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.

**Response 5:**

The property located at 98 Northwest 5<sup>th</sup> Avenue is neither a historically designated property nor classified as a contributing structure within the historic district. The proposed design for the property does not alter or remove any previously recognized historically distinctive feature, finish, construction technique, or example of craftsmanship. The current two-story building was built in the Masonry Modern architectural style and that style is maintained in the proposed design.

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**Standard 6:**

Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

**Response 6:**

The property located at 98 Northwest 5<sup>th</sup> Avenue is neither a historically designated property nor classified as a contributing structure within the historic district. The proposed design does not involve the repair or replacement of any previously recognized historic feature. The current two-story building was built in the Masonry Modern architectural style and that style is maintained in the proposed design.

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**Standard 7:**

Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

**Response 7:**

The property located at 98 Northwest 5<sup>th</sup> Avenue is currently neither a historically designated property nor classified as a contributing structure within the historic district. Nevertheless, chemical or physical treatments that could cause any damage will not be used.

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**Standard 8:**

Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

**Response 8:**

No archaeological resources have been discovered at the site.

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**Standard 9:**

New additions, 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.

**Response 9:**

The property located at 98 Northwest 5<sup>th</sup> Avenue is neither a historically designated property nor classified as a contributing structure within the historic district. The proposed design for the property will not destroy any previously recognized historic material or architectural feature. The proposed design maintains the use of the original exterior walls of the two-story building, and aims to embrace the characteristics of the site and surrounding environment with no negative effect on the historic integrity of the West Settlers Historic District while bringing greater economic development and activation to the Northwest 5<sup>th</sup> Avenue corridor through a modern use.

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**Standard 10:**

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.

**Response 10:**

The property located at 98 Northwest 5<sup>th</sup> Avenue is neither a historically designated property nor classified as a contributing structure within the historic district. Any new addition or construction undertaken as part of the proposed design and use for the property would not impair the form and integrity of any previously recognized historic property. Notwithstanding, the proposed design maintains the use of the original exterior walls of the two-story building, and aims to embrace the characteristics of the site and surrounding environment with no negative effect on the historic integrity of the West Settlers Historic District while bringing greater economic development and activation to the Northwest 5<sup>th</sup> Avenue corridor through a modern use.

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**Compliance with City of Delray Beach Land Development Regulations - LDR Section 4.5.1(E)(7) Visual Compatibility Standards**

The subject property is located at 98 Northwest 5<sup>th</sup> Avenue within the West Settlers Historic District. The site contains a non-contributing two-story building built in 1972. The proposed design and redevelopment of the two-story building allows for modernization of the building with more durable materials that are visually compatible with the other buildings and structures within the West Settlers Historic District. The proposed Masonry Modern architectural style utilizes architectural materials, details, elements, and characteristics that are appropriate for the West Settlers Historic District and will not impair the integrity of the historic area. Additionally, the proposed design was inspired by the previously approved design for the abutting property



located at 82 Northwest 5<sup>th</sup> Avenue, currently the office for the Delray Beach Housing Authority, specifically for visual compatibility and continuity along Northwest 5<sup>th</sup> Avenue. With the redevelopment of this building, the Delray Beach CRA hopes to bring more economic opportunities into and further activate the Northwest 5<sup>th</sup> Avenue corridor.

The Delray Beach CRA provides the below responses as it relates to compliance with LDR Section 4.5.1(E)(7) Visual Compatibility Standards. **Please see Sheets AS-102 and A-201 for more specifications and details.**

#### **Standard 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 for all major and minor development. For major development, visual compatibility with respect to the height of residential structures, as defined by 4.5.1(E)(2)(a), shall also be determined through application of the Building Height Plane.

#### **Response A:**

The overall height of the proposed two-story building will be visually compatible in comparison and relation to the height of existing structures and buildings within the West Settlers Historic District. The current building on the site is a two-story building and the proposed two-story building will be visually compatible to the existing two-story buildings located directly to the south at 82 Northwest 5<sup>th</sup> Avenue and east at 85 Northwest 5<sup>th</sup> Avenue.

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#### **Standard 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.

#### **Response B:**

The height and width of the front elevation of the proposed two-story building, located on Northwest 5<sup>th</sup> Avenue, will be visually compatible and proportional to one another. The front façade of the proposed building will be visually compatible with the front elevations of other existing buildings located within the West Settlers Historic District and along the Northwest 5<sup>th</sup> Avenue Corridor.

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#### **Standard C: Proportion of Openings (Windows 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.

#### **Response C:**

Overall, the proportions for the windows and doors of the proposed building will be visually compatible with those of other existing buildings located within the West Settlers Historic District. The proposed windows and doors will utilize clear, non-reflective glass, and be more vertically proportioned, which is in line with the Masonry Modern architectural style.

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#### **Standard D: Rhythm of Solids 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.

#### **Response D:**

The relationship of solids to voids of the proposed building will be visually compatible with those of other existing buildings and structures within the West Settlers Historic District. Through the addition of openings, the proposed design establishes a more consistent relationship of solids to voids and the proposed building will be more visually compatible with buildings and structures that currently exist along Northwest 5<sup>th</sup> Avenue.

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#### **Standard E: Rhythm of Buildings on Streets**

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.

#### **Response E:**

The proposed building will not compromise or change the rhythm of buildings and open spaces that currently exists along Northwest 5<sup>th</sup> Avenue.

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#### **Standard 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.

#### **Response F:**

The relationships of entrances to the proposed building and sidewalks will be visually compatible to those of existing buildings and structures within the West Settlers Historic District.

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#### **Standard G: Relationship of Materials, Texture, and Color**

The relationship of materials, texture, and color of the facade of a building and/or hardscaping shall be visually compatible with the predominant materials used in the historic buildings and structures within the subject historic district.

**Response G:**

The materials, texture and color of the façade of the proposed building and/or hardscaping will be visually compatible and consistent with the predominant materials, textures, and colors used on the existing buildings and structures within the West Settlers Historic District and will also comply with the Masonry Modern architectural style stated in the “Delray Beach Central Business District Architectural Design Guidelines.” Moreover, the overall proposed design will be visually compatible and consistent with the previously approved design for the mixed-use building located on the abutting property at 82 Northwest 5<sup>th</sup> Avenue, the office building for the Delray Beach Housing Authority. The proposed building will utilize stucco walls, clear, non-reflective glass for openings, and an aluminum roof.

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**Standard 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.

**Response H:**

The roof shape of the proposed building will be visually compatible with the roof shapes of existing buildings and structures within the West Settlers Historic District. More specifically, the proposed roof shape, material, and color will be visually compatible and consistent with that of the previously approved design for the mixed-use building located on the abutting property at 82 Northwest 5<sup>th</sup> Avenue, the office building for the Delray Beach Housing Authority. The roof will be aluminum.

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**Standard 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.

**Response I:**

The overall building façade will be cohesive and visually compatible with the other existing buildings and structures within the West Settlers Historic District. The overall design for the proposed building was inspired by and specifically chosen because of its visual compatibility, continuity, and cohesiveness with that of the previously approved design for the mixed-use building located on the abutting property at 82 Northwest 5<sup>th</sup> Avenue, the office building for the Delray Beach Housing Authority.

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**Standard J: Scale of Building**

The size of a building and the 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.

**Response J:**

The proposed overall size of the building and building mass will be visually compatible with the building size and mass of other existing buildings and structures within the West Settlers Historic District, specifically to that of the existing two--story buildings located directly to the south at 82 Northwest 5<sup>th</sup> Avenue and east at 85 Northwest 5<sup>th</sup> Avenue.

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**Standard K: Directional Expression of 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.

**Response K:**

The directional expression of the front elevation of the proposed two-story building will not change and will be visually compatible with the buildings, structures, and sites within the West Settlers Historic District.

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**Standard L: Architectural Style**

All major and minor development shall consist of only one (1) architectural style per structure or property and not introduce elements definitive of another style.

**Response L:**

Only one architectural style is proposed and will be utilized – Masonry Modern. This architectural style is the current architectural style of the building located at 98 NW 5<sup>th</sup> Avenue and is one that complies with the “Delray Beach Central Business District Architectural Design Guidelines.” Moreover, the proposed design will be visually compatible and consistent with that of the previously approved design for the mixed-use building located on the abutting property at 82 Northwest 5<sup>th</sup> Avenue, the office building for the Delray Beach Housing Authority.

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**Standard M: Additions to individually designated properties and contributing structures in all historic districts.****Response M:**

The property located at 98 Northwest 5<sup>th</sup> Avenue is neither a historically designated property nor classified as a contributing structure within the West Settlers Historic District.

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