

architecture, planning & design

1045 e. atlantic ave, suite 303
delray beach, fl 33483

tel 561.276.6011
fax 561.276.6129

JUSTIFICATION STATEMENT STANDARDS FOR REHABILITATION

January 26, 2026

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

Re: Whaley Residence
160 Marine Way
Delray Beach, Florida 33483

To Whom It May Concern:

This letter is to provide justification for Secretary of the Interior's Standards for Rehabilitation for a proposed covered roof terrace at the above referenced property, which state as follows

Standards for Rehabilitation

1. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces and spatial relationships. ***There will be no change in use of the property.***

2. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces and spatial relationships that characterize a property will be avoided. ***Historic character of the property will be retained and preserved. The proposed covered roof terrace will not require the removal or alteration of any historic distinctive materials or features. Existing spaces and spatial relationships will not be affected.***

3. Each property will 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 elements from other historic properties, will not be undertaken. ***The proposed covered roof terrace will not impart a false sense of historical development. It should be noted that the existing trellis terrace is not historic and was an addition in the 90's.***

4. Changes to a property that have acquired historic significance in their own right will be retained and preserved. ***Not applicable to this property.***

5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved. *Acknowledged.*

6. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence. *Not applicable to this property.*

7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used. *Not applicable to this property.*

8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken. *Not applicable to this property.*

9. New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment. *The proposed covered roof terrace will not affect or destroy any historic characteristics of the original historic structure (which is and was along the front of the property and is only one story) and will be compatible with the structure's historic features and materials.*

10. New additions and adjacent or related new construction will 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. *Acknowledged.*

The property is located in RM zoning but for a single-family home, R-1-A zoning setbacks would apply, as follows:

Front setback: 25'-0"

Side street setback: 15'-0"

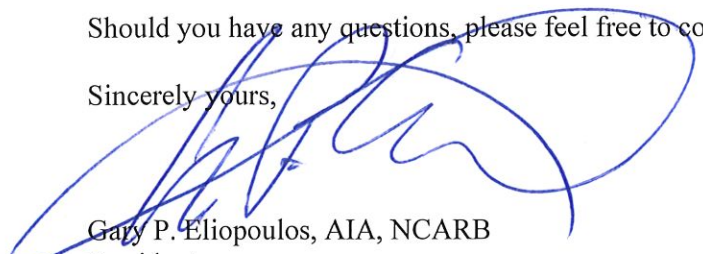
Side interior setback: 7'-6"

Rear setback: 10'-0"

Please see the attached existing and proposed elevations.

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



architecture, planning & design

1045 e. atlantic ave, suite 303
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VISUAL COMPATIBILITY JUSTIFICATION STATEMENT

January 5, 2026

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

Re: Whaley Residence
160 Marine Way
Delray Beach, Florida 33483

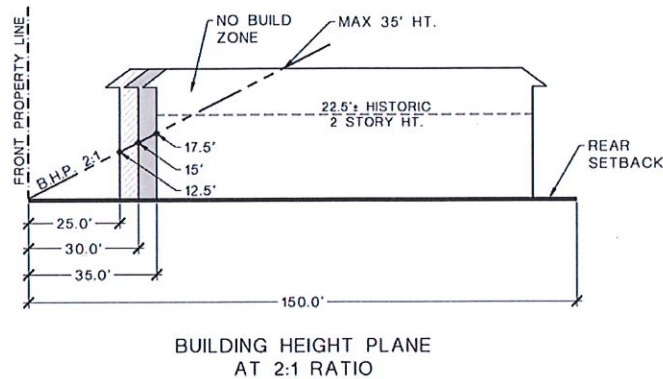
To Whom It May Concern:

This letter is to address compliance with Visual Compatibility Standards as per LDR Section 4.5.1(E) (7) for the proposed renovation at the existing single-family residence at the above referenced property, as follows:

We believe the proposed renovation will be consistent with the historic characteristics of the district and will meet Visual Compatibility Standards as per LDR Section 4.5.1(E)(7):

(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 following: [Amd. Ord. 38-07 2/5/08]

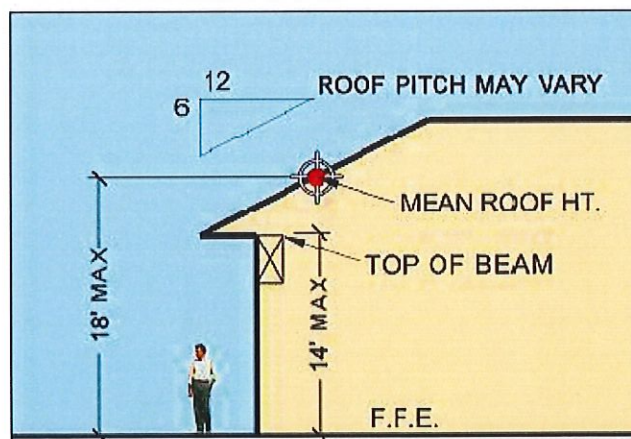
1. Building Height Plane (BHP): The building height plane technique sets back the overall height of a building from the front property line. [Amd. Ord. 38-07 2/5/08]
 - a. The building height plane line is extended at an inclined angle from the intersection of the front yard property line and the average grade of the adjacent street along the lot frontage. The inclined angle shall be established at a two to one (2:1) ratio. See illustration below. [Amd. Ord. 38-07 2/5/08]
The original approved trellis pavilion was constructed 14 years before the Building Height Plane requirement was adopted but the proposed semi-covered enclosure will still comply with this requirement (see attached proposed elevations).



- b. A structure relocated to a historic district or to an individually designated historic site shall be exempt from this requirement. [Amd. Ord. 38-07 2/5/08]

2. **First floor maximum height.** Single-story or first floor limits shall be established by: [Amd. Ord. 01-12 8/21/12]; [Amd. Ord. 38-07 2/5/08] **NOT APPLICABLE.**

- a. Height from finished floor elevation to top of beam (tie or bond) shall not exceed 14 feet. [Amd. Ord. 38-07 2/5/08]
- b. Mean Roof Height shall not exceed 18 feet. [Amd. Ord. 38-07 2/5/08]
- c. If any portion of the building exceeds the dimensions described in a. and b. above, the building shall be considered a multi-story structure. [Amd. Ord. 01-12 8/21/12]; [Amd. Ord. 38-07 2/5/08]
- d. See illustration below: [Amd. Ord. 38-07 2/5/08]



- e. Sections a., b., and c., above may be waived by the Historic Preservation Board when appropriate, based on the architectural style of the building. [Amd. Ord. 01-12 8/21/12]; [Amd. Ord. 38-07 2/5/08] *The proposed structure is 17'-6" to the mean roof height from grade and roof bearing is 13'-6" from grade (from finish floor is significantly less).*

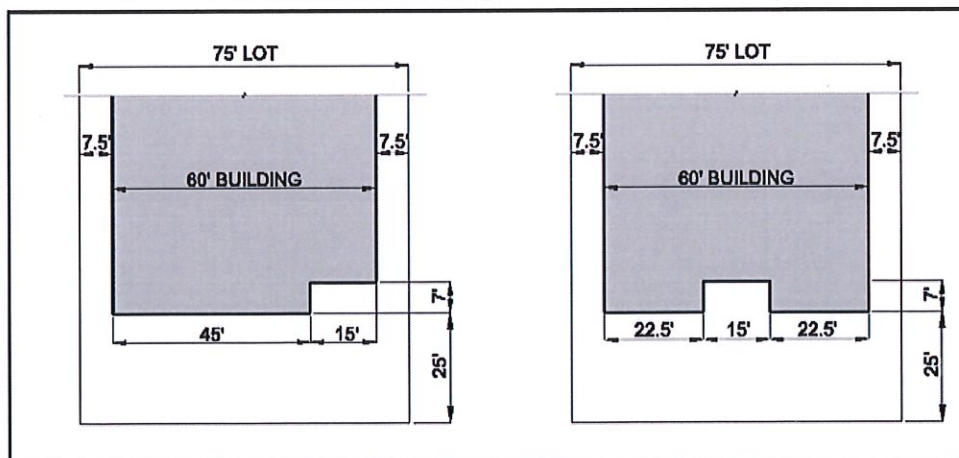
3. **Upper Story Height(s).** Height from finished floor elevation to finished floor elevation or top of beam (tie or bond) shall not exceed 12 feet. [Amd. Ord. 01-12 8/21/12]; [Amd. Ord. 38-07 2/5/08]
- (b) **Front façade proportion:** The front facade of each building or structure shall be visually 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 covered roof structure is actually replacing the existing trellis, so the relationship to the existing width and height of the existing structure remains relatively the same. The existing structure was completed on or about 1994 and since then the surrounding structures that have been built and / or relocated adjacent to the subject property actually exceed the height of the proposed design. With regards to being visually compatible with the surrounding structures, are all single family.*
 - (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 – **NOT APPLICABLE.**
 - (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 façade will remain relatively the same with the exception of replacing the existing trellis with a new covered roof.*
 - (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 –*Since the existing structure was constructed in 1994, the visual compatibility with the existing buildings within the subject Marina District has changed significantly, especially with the adjacent properties and the new FEMA requirements which have increased the building heights higher than the proposed covered roof structure.*
 - (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. **NOT APPLICABLE.**
 - (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 have a direct relationship with the historic district by using smooth stucco to match the existing structure and decorative louvered railings / decorative shutters. All roof overhangs will have outlookers at the perimeter of the roof to match existing.*

(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 covered roof is an open gable roof on the east side of the proposed structure, and closed gable end on the west side. Proposed sloped roof matches the existing sloped roofs, which will complement the overall massing.*

(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. **NOT APPLICABLE.**

(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. **NOT APPLICABLE.**

1. For buildings wider than 60 percent of the lot width, a portion of the front façade must be setback a minimum of seven additional feet from the front setback line: [Amd. Ord. 38-07 2/5/08]
 - a. Lots 65 feet or less in width are exempt from this requirement. [Amd. Ord. 38-07 2/5/08]
 - b. To calculate how much of the building width must comply with this provision, multiply the lot width by 40 percent and subtract the required minimum side setbacks (example: 100' lot width x 40% = 40' - 15' side yard setbacks = 25'). [Amd. Ord. 38-07 2/5/08]
 - c. Any part or parts of the front façade may be used to meet this requirement. [Amd. Ord. 38-07 2/5/08]
 - d. See illustration below: [Amd. Ord. 38-07 2/5/08]



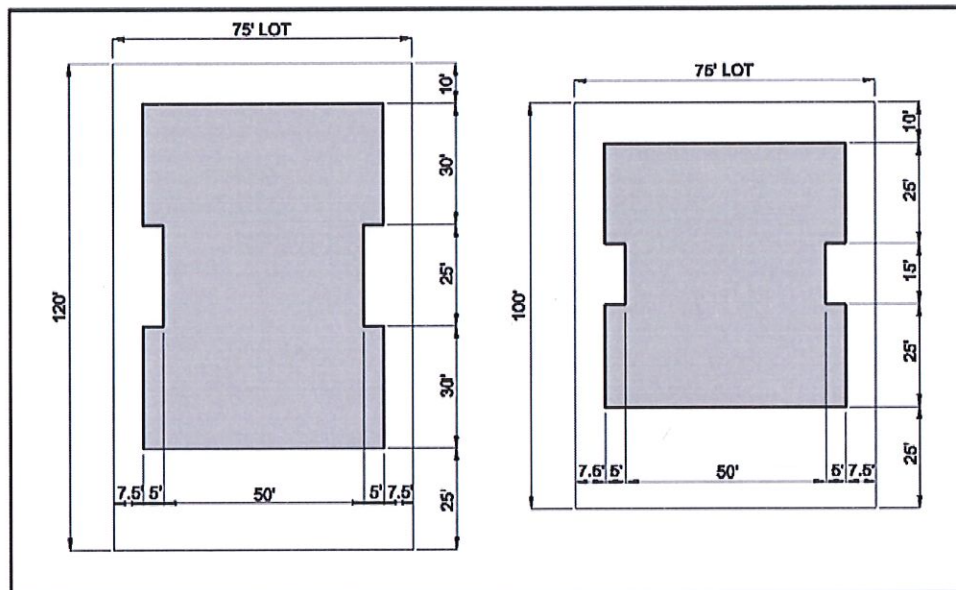
e. If the entire building is set back an additional seven (7) feet, no offset is required. [Amd. Ord. 38-07 2/5/08]

2. For buildings deeper than 50 percent of the lot depth, a portion of each side façade, which is greater than one story high, must be setback a minimum of five additional feet from the side setback line: [Amd. Ord. 38-07 2/5/08] **NOT APPLICABLE.**

a. To calculate how much of the building depth must comply with this provision, multiply the lot depth by 50 percent and subtract the required minimum front and rear setbacks (example: 120' lot depth x 50% = 60' - 25' front yard setback - 10' rear setback = 25'). [Amd. Ord. 38-07 2/5/08]

b. Any part or parts of the side façades may be used to meet this requirement. [Amd. Ord. 38-07 2/5/08]

c. See illustration below: [Amd. Ord. 38-07 2/5/08]



d. If the entire building is set back an additional five feet from the side, no offsets are required on that side. [Amd. Ord. 38-07 2/5/08]

3. Porches may be placed in the offset portion of the front or side façades, provided they are completely open except for supporting columns and/or railings. [Amd. Ord. 38-07 2/5/08] **NOT APPLICABLE.**

(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 character of this covered roof project will definitely relate well with the surrounding architecture within the district, with the heavy timber open gable end, louvered railings, decorative shutters and outlookers at the roof overhangs.*

(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 covered roof and other proposed elements are consistent with the existing Masonry Vernacular Style of Architecture.*

(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. *Proposed addition (covered roof) is located where the original trellis addition was installed.*
2. Additions or accessory structures shall not be located in front of the established front wall plane of a historic building. *Proposed covered roof is located behind the original historic structure.*
3. Characteristic features of the original building shall not be destroyed or obscured. *The proposed covered roof structure will actually provide additional protection to the existing structure.*
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. *This requirement would be met with the proposed covered roof structure.*
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. *The proposed covered roof structure design will be coherent to the existing structure.*
6. Additions shall be secondary and subordinate to the main mass of the historic building and shall not overwhelm the original building. *The proposed covered roof will be similar to the existing trellis width, height and massing due to the openness.*

The property is located in RM zoning but for a single-family home, R-1-A zoning setbacks apply, as follows:

Front setback: 25'-0"

Side street setback: 15'-0"

Side interior setback: 7'-6"

Rear setback: 10'-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



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WAIVER JUSTIFICATION STATEMENT

January 5, 2026

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

Re: Whaley Residence
160 Marine Way
Delray Beach, Florida 33483

To Whom It May Concern:

This letter is to provide justification for a waiver for a proposed covered roof terrace at the above referenced property.

We are requesting relief from LDR Section 4.5.1(E)(7)(m)(6), *Visual Compatibility Standards*, which states:

Additions shall be secondary and subordinate to the main mass of the historic building and shall not overwhelm the original building.

On or about May 18, 1994, the Delray Beach Historic Board approved a second-floor addition to the 1940 original historic single-story structure, which also connected to the existing rear single-story cottage. The current proposed semi enclosure is for replacing the existing trellis pavilion on the second floor which is setback approximately 34'-0" from the ground floor historic 1940 structure (similar to the approved 1994 project).

The proposed semi-open structure features an open-end gable covered roof which complements the original historic single-story gable end roof. Also, the proposed roof enclosure has no physical connection to the original 1940 historic structure.

It's important to understand when this project was approved back in 1994, it was the only three-story structure within the block. Over the past 32 years, a lot has changed within this city block. Due to FEMA regulations and newer projects that have been approved in the last 32 years, the 1994 three-story structure is now actually lower than other structures within the block.

Pursuant to LDR Section 2.4.11(B)(5) **Findings**. Prior to granting a waiver, the granting body shall make findings that the granting of the waiver:

(5) **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;**

The granting of this waiver will have no effect on the neighboring area.

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

Not applicable.

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

Granting this waiver will not create an unsafe situation, but instead will be replacing the current trellis pavilion that has caused water damage to the interior structure of the house over the years.

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

We believe granting this waiver will not result in a special privilege but will help to preserve this historic house.

The property is located in RM zoning but for a single-family home, R-1-A zoning setbacks would apply, as follows:

Front setback: 25'-0"

Side street setback: 15'-0"

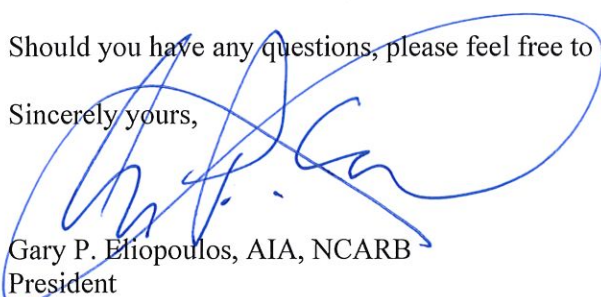
Side interior setback: 7'-6"

Rear setback: 10'-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