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December 7, 2023

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

Re: 325 Sandpiper Lane
Delray Beach FL 33483

To Whom It May Concern:

Please accept this letter to request the item listed below from the Board of Adjustment for the proposed single family residence at the above referenced property, as follows:

Two variances to allow for the construction of a new garage to be located within the front yard setback and the side street setback.

Item #1. Request for two variances to allow the for the proposed garage addition to be constructed within the front property line required setback of 35'-0", and within the side street property line setback of 17'-0" as follows:

- a) Allow the proposed new garage to be constructed within the front property line setback of 35'-0". We are requesting the new garage to be 7'-6" off the front property line, a 27'-6" reduction from the required front setback.
- b) Allow the proposed new garage to be constructed within the side street property line setback of 17'-0". We are requesting the new garage to be 10'-0" off the side street property line, a 7'-0" reduction from the required side street setback.

The house is located at the north end of Sandpiper Lane, with the side being on the south side of Sandoway Lane.

The property is located in R-1-AAA zoning with the following required setbacks:

Front setback: 35'-0"
Side street setback: 17'-0"
Side setbacks: 12'-0"
Rear setback: 12'-0"

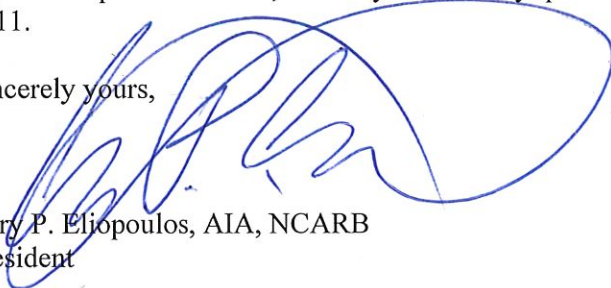
The lot size is non-conforming (9,194 sq. ft); minimum lot size requirement in R-1-AAA zoning is 12,500 sq. ft. The site / property is also unique in that it doesn't have direct frontage on a street and the house actually faces the neighboring house. Sandpiper Lane is a non-conforming street

with a width of approximately 15'-0" and ends right at the 325 Sandpiper Lane property (with no means for turning a vehicle around). In addition to this condition, Laing Street, which connects to Sandpiper Lane, is a one-way street, also with a non-conforming width of approximately 15'-0". The proposed double loaded garage would actually help alleviate the congestion on these two non-conforming streets. We are proposing a 21'-8" x 21'-0", two-car garage at the northwest corner of the property, which we believe is the minimal necessary for a garage and is an appropriate location for this portion of the property and structure.

The property is 70.50' wide x 130' deep (see attached survey).

Upon receipt of this letter, 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

**VARIANCE JUSTIFICATION STATEMENT – BOARD OF ADJUSTMENT
PROPERTIES OUTSIDE OF A HISTORIC AREA**

The following questions pertain to the criteria upon which the Board of Adjustment will consider this application, per LDR Section 2.4.7(A)(5). Please address each question separately as the answers provided will assist reviewing the proposal and can be included as part of the staff report presented to the Board:

JUSTIFICATION STATEMENT IS ATTACHED, WHICH ADDRESSES THE CRITERIA OF APPROVAL BELOW:

a) Describe which 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):

THE HOUSE IS SITUATED ON A NON-CONFORMING LOT (MIN. LOT SIZE IS 12,500 SQ. FT; EXISTING LOT IS 9,164 SQ. FT.), LIMITING THE AREA FOR A GARAGE. THE ORIGINAL HOUSE WAS CONSTRUCTED IN 1950, OVER THE CURRENT SETBACKS. BUT WAS RENOVATED IN 2011 (BY THE PRIOR OWNER). STILL THE NON-CONFORMING LOT SIZE MAKES IT IMPOSSIBLE TO CONSTRUCT A GARAGE WITHIN THE SETBACKS, WHILE MOST HOMES IN R-1-AAA ZONING HAVE GARAGES. THE PROPOSED NEW GARAGE ALLOWS THE RESIDENTS TO LEAVE THEIR HOME FROM BOTH SANDPIPER LANE AND SANDOWAY LANE, BOTH OF WHICH ARE BELOW THE ACCESS STREET DIMENSIONS / STANDARDS.

b) Describe which literal interpretation of the regulations would deprive the applicant of rights commonly enjoyed by other properties subject to the same zoning:

PER LDR SECTION 4.3,4(K), BASE DEVELOPMENT DISTRICT STANDARDS, THE REQUIRED WIDTH IS 100'-0" AND THE REQUIRED DEPTH IS 110'-0". THIS PROPERTY IS 70.50' WIDE AND 130' DEEP, MAKING THIS LOT MUCH SMALLER THAN THE TYPICAL LOTS IN R-1-AAA ZONING. THIS CONDITION CREATES A HARDSHIP FOR THE OWNER TO BE ABLE TO CONSTRUCT A GARAGE AND DEPRIVES THEM OF THE RIGHTS COMMONLY ENJOYED BY OTHER PROPERTIES SUBJECT TO THE SAME ZONING. IT'S IMPORTANT TO NOTE THAT THE EXISTING HOUSE IS ALREADY LOCATED OVER THE SETBACKS. THERE WILL BE MINIMAL VISUAL IMPACT TO SANDPIPER LANE WHILE STILL MAINTAINING THE CHARACTER AND VERNACULAR OF THE EXISTING HOME.

c) Explain how the special conditions and circumstances have not resulted from actions of the applicant:

THE EXISTING STRUCTURE WAS CONSTRUCTED WITHIN THE FRONT SETBACK AND SIDE STREET SETBACK. THE NON-CONFORMING CONDITION WAS EXISTING WHEN THIS HOUSE WAS PURCHASED BY THE CURRENT OWNER.

d) Explain how 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:

GRANTING THIS REQUEST WILL ALLOW THE OWNER TO HAVE A 2-CAR GARAGE WHICH WILL ENCROACH INTO THE FRONT AND SIDE STREET SETBACKS. A GARAGE IS A STANDARD MOST HOMES IN R-1-AAA ZONING, ENJOY. IT SHOULD ALSO BE NOTED THAT THIS PROPERTY IS UNIQUE IN THAT IT DOESN'T HAVE A TRADITIONAL STREET FRONTAGE. SANDPIPER LANE ACTUALLY DEAD-ENDS RIGHT INTO THE PROPERTY AT 325 SANDPIPER LANE.

e) Describe the reasons 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:

WE ARE PROPOSING A 2-CAR GARAGE AT THE NORTHWEST CORNER OF THE PROPERTY, THE PROPOSED GARAGE IS 21'-8" X 21'-0" WHICH IS AN APPROPRIATE SIZE FOR A GARAGE ON THIS NON-CONFORMING PROPERTY.

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

THE PROPOSED GARAGE HAS BEEN SPECIFICALLY DESIGNED TO BE COMPATIBLE WITH THE EXISTING HOUSE, AND IN KEEPING WITH THE CHARACTER OF SURROUNDING PROPERTIES IN THE NEIGHBORHOOD. MORE IMPORTANTLY, IT WILL REDUCE THE CONGESTION ON AN UNDERSIZED STREET BY PROVIDING A DOUBLE LOADED GARAGE.

g) Please provide any other comments and information which can be relevant or assist the Board in reviewing this request

SANDPIPER LANE IS A NON-CONFORMING STREET WITH A WIDTH OF APPROX. 15'-0" AND ENDS RIGHT AT THE 325 SANDPIPER LANE PROPERTY (WITH NO MEANS FOR TURNING A VEHICLE AROUND). IN ADDITION TO THIS CONDITION, LAING STREET, WHICH CONNECTS TO SANDPIPER LANE, IS A ONE-WAY STREET, ALSO WITH A NON-CONFORMING WIDTH OF APPROX. 15'-0". THE PROPOSED DOUBLE LOADED GARAGE WOULD ACTUALLY HELP ALLEVIATE THE CONGESTION ON THESE TWO NON-CONFORMING STREETS.
