

REQUEST FOR WAIVER TO ALLOW ADDITION TO BE HIGHER THAN HISTORIC HOUSE

In order to comply with LDR Section 4.5.1(E)(8) Visual Compatibility 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.-The proposed addition is 2'2" higher than the original historic building, technically in conflict with the cited Standard. We are requesting a waiver of the Visual Compatibility Standard 4.5.1(E)(8)(a) in reference to the exact height of the addition, based on the addition being in compliance with the intent of the LDR 4.5.1(E)(8)(a) which states that the addition "**shall be visually compatible**" with the historic building. The design of the proposed addition, for reasons detailed in the **Justification Statement**, is visually compatible with the historic building. The proposed addition complies with all relevant LDR Development Standards and LDR Visual Compatibility Standards, as detailed in the Justification Statement.

The Waiver request complies with the applicable **LDR Section 2.4.7(B)(5)** which states that 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 the Waiver for the height of the addition does not adversely affect the neighboring area as the height of the addition is not readily visible from the pedestrian view on the front and most public S Vista del Mar side, and the addition is located in the southeast corner of the property, mostly hidden from view on the rear Seabreeze Avenue side, which is a dead end. **See Figure 1 and Figure 4 showing pedestrian view from S Vista del Mar.**

(b) Shall not significantly diminish the provision of public facilities-The granting of the Waiver for the height of the addition has no effect on the provision of public facilities.

(c) Shall not create an unsafe situation-The granting of the Waiver for the height of the addition does not create an unsafe situation.

(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-The Waiver for the height of the addition does not result in the

grant of any special privileges. The particular circumstances on the subject property, for which similar circumstances could enable another owner or applicant to also seek a Waiver on another property, support the granting of a Waiver.

The existing historic structure is a 2 story building already elevated 12'4" above grade. In contrast to some other proposed addition projects in the historic districts of Delray Beach, we are not seeking to add a 2 story addition to a 1 story historic house but to connect a 2 story addition to an existing 2 story historic house. The proposed location of the addition to the rear of and behind the original historic building keeps the addition largely out of the public view from S Vista del Mar. The additional 2' 2" height of the addition building above the historic house is not in the line of sight for a pedestrian standing at the the S Vista del Mar front. **See attached Figure 1 and Figure 5 showing pedestrian view from S Vista del Mar.**

In order to make the addition even more visually compatible we have added vertical louvers to the top portion of the addition so that any possible side view of the addition building is softened. **See Figures 2 and 3 showing elevations of addition and louvered feature on top of addition.**

The proposed Variance to retain the existing historic 6' top of 1st floor for the addition, as opposed to raising the addition to 7' top of 1st floor, also mitigates the height issue by reducing the overall height of the addition.

The addition height is dictated by the additional vertical space necessary to accommodate modern air conditioning mechanicals, insulation, roof construction and ceiling heights.

Any applicant or owner of another property with circumstances similar to the above can make the same Waiver application with the granting of the Waiver judged on the merits of that specific case. In our particular case there is a combination of factors which support our proposed Waiver request but while this set of factors may be possibly unique to our case, they do not constitute a special privilege. If another historic property happens to have similar circumstances to support their particular request they could qualify for a Waiver as well.



**Figure 1 Pedestrian View from 5' point above Crown of Road on S Vista del Mar.
(Addition height is not visible from the most public front side)**

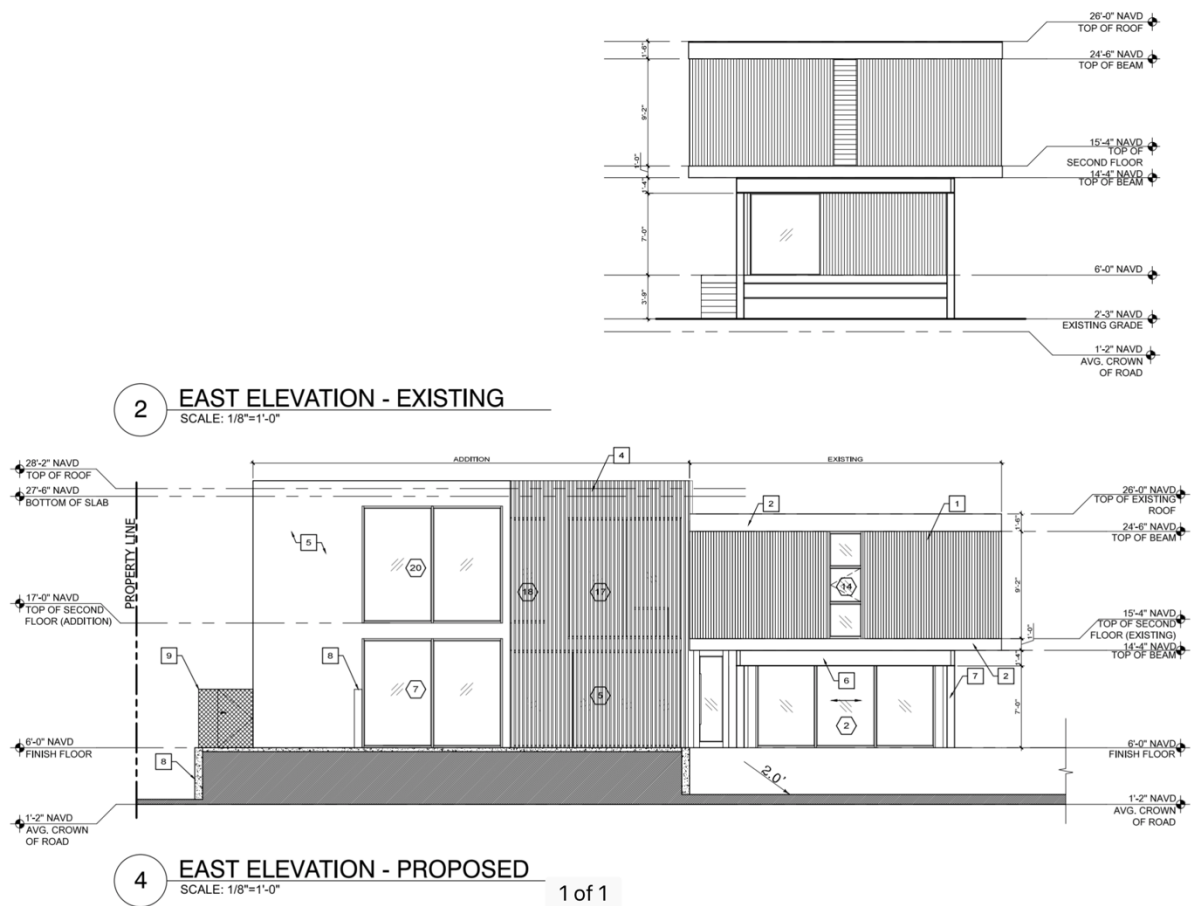
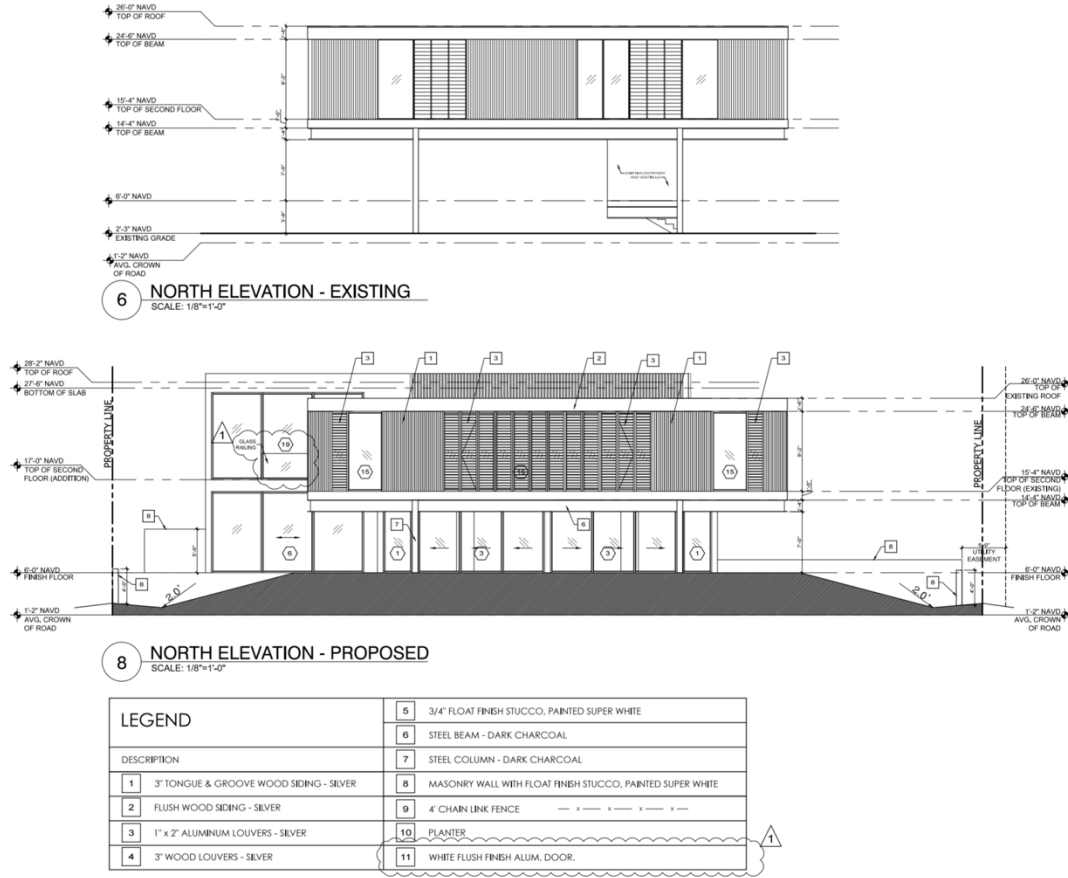


Figure 2 Proposed Addition East Elevation Section



1 of 1

Figure 3 Proposed Addition North Elevation Section

SIL

DRAWINGS:
EXISTING AND
PROPOSED ELEVATIONS

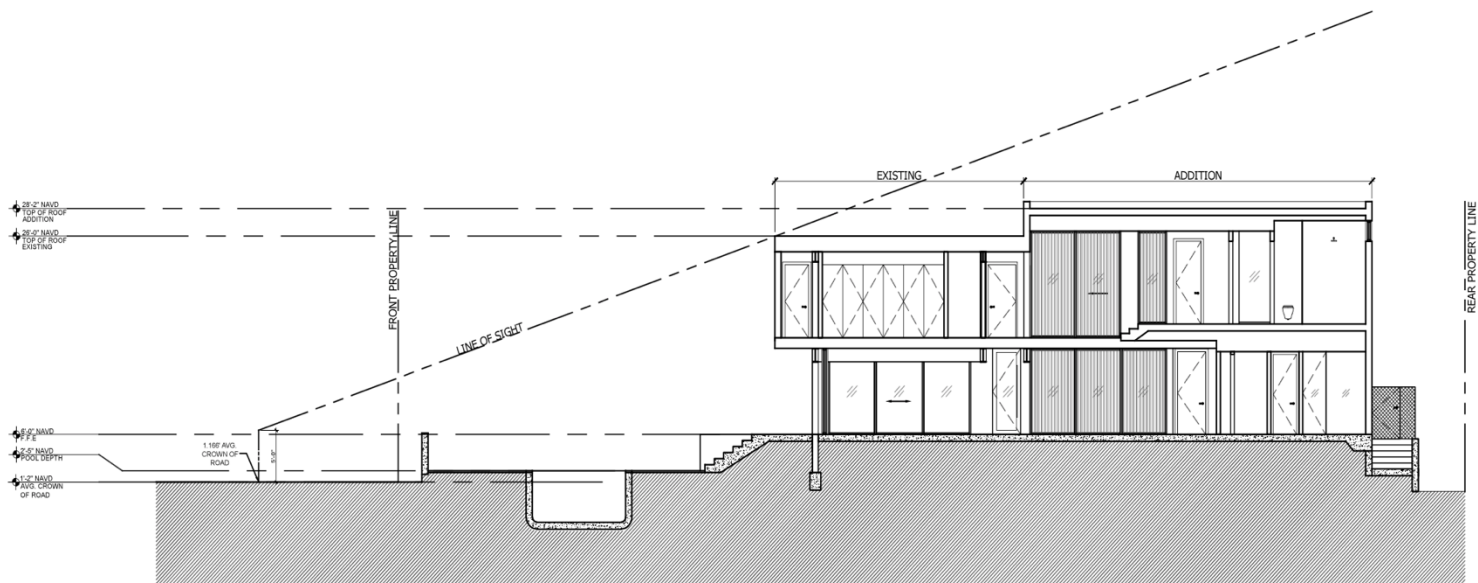
212 SEABREEZE AVE
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DELRAY BEACH, FL 33483

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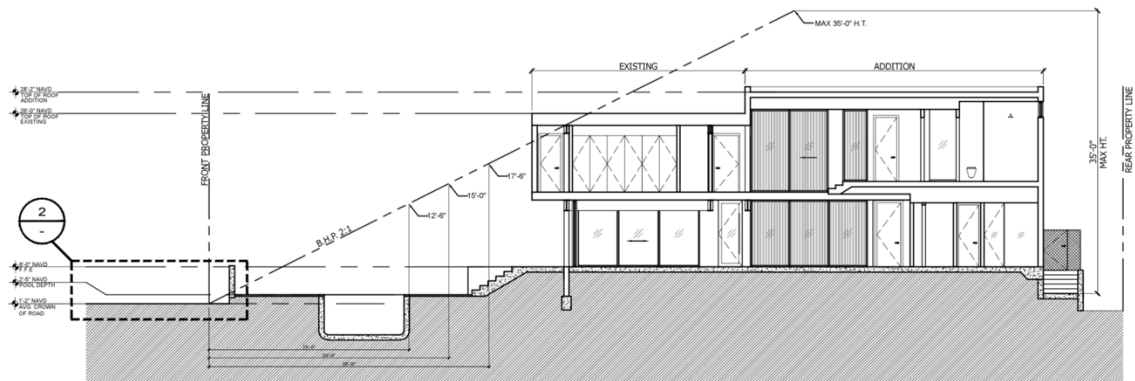
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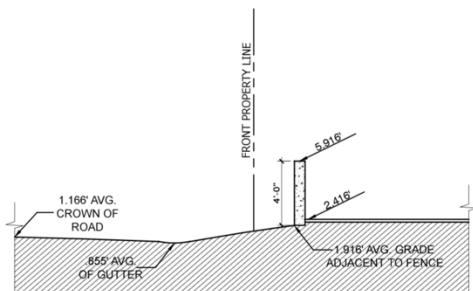



PEDESTRIAN VIEW SECTION
 SCALE: N.T.S.

Figure 4 Pedestrian View Section from point 5' above Crown of Road on S Vista del Mar.
(Addition height is not in the line of sight)



1 B.H.P. SECTION
SCALE: 1/16"=1'-0"



2 DTL: FRONT WALL ALONG VISTA DEL MAR
SCALE: 3/8"=1'-0"

Figure 5 Building Height Plane Section