

Please complete this portion of the application carefully. Each request for a variance must stand on its own merits without regard to any other property.

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:

- (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):

Property abuts narrow ROW. The dedication reduced the building envelope and is not in line with the adjoining property on 7th. This property backs a gas station and the variance will allow for better buffering.

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

The movement of the property line for a dedication reduces the depth of the lot and with the 7th Ave ROW dedication the burden falls disproportionately to the 3 properties on the west side of the street

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

The applicant did not request the easement or the dedication. All of the lack of ROW existed prior to applicant's purchase of the property. Again the 7th Ave ROW dedication the burden falls disproportionately to the 3 properties on the west side of the street.

- (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:

Applicant would not be requesting the variance if not for the ROW dedication. In addition the property owners on the opposite side of the street do not have to dedicate property

- (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:

The minimum equates to the requested dedication in order to be consistent with the properties to the north and is reasonable given the ROW constraints on 7th Ave

- (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 homes directly across the street have the same issues and we can not see how the minor variance could undermine the existing regulations or be injurious to the neighborhood or to the public at large

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

***COLLIN BUILDERS, LLC
802 SHORE DR.
BOYNTON BEACH, FL 33435
561-436-3370
CGC 059901***

City of Delray Beach
100 Nw 1st Ave
Delray Beach, FL 33444

Attention: Board of Adjustments

January 27, 2020

Re: Variance Request for 617 Se 5th street

We are requesting a 5 foot variance to the prescribed building setback due to the right of way dedication requested by the city. Below are the answers to the questions on page 4 of the application.

Answers:

- a) Property abuts narrow ROW. The dedication reduced the building envelope and is not in line with the adjoining property on 7th. This property backs a gas station and the variance will allow for better buffering.
- b) The movement of the property line for a dedication reduces the depth of the lot and with the 7th ave ROW dedication the burden falls disproportionately to the 3 properties on the west side of the street.
- c) The applicant did not request the easement or the dedication. All of the lack of ROW existed prior to applicant's purchase of the property. Again the 7th ave ROW dedication the burden falls disproportionately to the 3 properties on the west side of the street.
- d) Applicant would not be requesting the variance if not for the ROW dedication. In addition the property owners on the opposite side of the street do not have to dedicate property.
- e) The minimum equates to the requested dedication in order to be consistent with the properties to the north and is reasonable given the ROW constraints on 7th ave.
- f) The homes directly across the street have the same issues and we cannot see how the minor variance could undermine the existing regulations or be injurious to the neighborhood or to the public at large.