



February 17, 2020

Historic Preservation Board
City of Delray Beach
100 NW 1st Ave.
Delray Beach, FL 33444

RE: Bloch Residence 222 SE 7th Ave., Delray Beach, FL 33483

Dear Members of the Board:

This letter serves as a written statement demonstrating the basis of the requested Variance.

Mr. and Mrs. Bloch are requesting a Variance in order to install a swimming pool in the rear yard of their property located at 222 SE 7th Ave. in the Marina Historic District. The pool area will be enhanced with a new patio and fencing.

The justifications are as follows:

As per LDR Variance 2.4.7 (5):

- (a) That 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);

Response: The Bloch Residence has special conditions and circumstances that are peculiar to their land which are generally not applicable to other lands, structures, or building within the same zoning. The first circumstance is the substandard 60' width lot size as compared to the Bloch's neighbors with the same R-1-AA designation. Second, a large Banyan tree exists in the front yard that reduces the buildable area due to its size and roots. Third, property has a curbed landscape node in the Right of Way that is more than half the distance of their front property which reduces access to the property from the street.

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

Response: The hardship to the applicant is the inability to enjoy rights commonly enjoyed by other properties subject to the same zoning in their neighborhood. The applicant and design team have analyzed several options for a proposed pool location on the property. The initial concept was to locate the pool in the front yard as many neighboring properties have done. At one time,

the property had a 20' Right of Way dedication along SE 7th Avenue which limited the buildable area in the front yard. A pool located in the front yard would also have required a variance. Through careful analysis of the buildable area and an existing large Banyan tree in the front yard, it was determined to locate the pool in the rear of the property to minimize the impact to the neighborhood and tree roots.

- (c) That the special conditions and circumstances have not resulted from actions of the applicant;

Response: The existing conditions are unique to this site and are not directly attributable to the applicant. The existing home was built in 1925 and was set back from the street further than current trends. A pool was likely not imagined at the time of construction and designating usable space for such an amenity was not planned. The Banyan tree in the front yard is a unique feature to this site with its trunk and roots taking up a large part of the yard. We are incorporating the tree's features and root structure into the design of the walkway and entrance under the tree to further accentuate the historic site.

- (d) That 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;

Response: Granting the variance will not confer onto the applicant any special privilege denied to other homeowners in their neighborhood. There have been other variances granted, not denied, for 5' pool setbacks in this neighborhood.

- (e) That 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; and,

Response: Due to the existing conditions this variance is the minimum required for the pool installation. The pool will be located in the rear yard using the minimum distance required for circulation between the residence and edge of pool. The proposed pool is 10' wide by 20' long which is smaller than a standard pool.

- (f) That 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

Response: The variance requested will be an improvement to the Bloch residence and bring their home up to the general standards of neighboring homes, which in turn will improve property values for the neighborhood. The

variance will not be injurious to the neighborhood or detrimental to the public welfare since the variance affects a private residence only.

As per LDR Variance 2.4.7 (6):

- (a) That a variance is necessary to maintain the historic character of property and demonstrating that the granting of the variance would not be contrary to the public interest, safety, or welfare.;

Response: The variance is necessary to maintain the historic character of the property by allowing the pool to be placed in such an area as to emphasize the layout of the historic home rather than detract from its historic features. The variance would not be contrary to the public interest, safety, or welfare.

- (b) That special conditions and circumstances exist, because of the historic setting, location, nature, or character of the land, structure, appurtenance, sign, or building involved, which are not applicable to other lands, structures, appurtenances, signs, or buildings in the same zoning district, which have not been designated as historic sites or a historic district nor listed on the Local Register of Historic Places;

Response: The special conditions and circumstances are the same for the other residences along S.E. 7th Avenue in which several of the homes have been granted variances for pools, mainly in the front yard. The proposed pool is located in the rear yard on the South West side of the property adjacent to the alley and commercial property to the West and the neighbor's auxiliary structure to the South. This location has the least impact to the neighborhood and historic district.

- (c) That literal interpretation of the provisions of existing ordinances would alter the historic character of the historic district, or historic site to such an extent that it would not be feasible to preserve the historic character of the historic district or historic site.

Response: Approval of the variance would help to preserve the historic character of the historic site by discretely placing the pool in the rear yard. Further, the variance would help to enhance characteristics that accentuate the historic nature of the home by accommodating the features of a large Banyan tree. Finally, the setback variance is vital for protecting the historic structure as well the large tree.

- (d) That the variance requested will not significantly diminish the historic character of a historic site or of a historic district

Response: The variance requested will serve to bring the Bloch home up to modern homeowner standards without diminishing the historic character of the

historic site or the historic district. The improvement is in the rear yard, below ground, will have a privacy fence, and will not be seen from the Right of Way.

- (e) That the requested variance is necessary to accommodate an appropriate adaptive reuse of a historic building, structure, or site.

Response: The variance requested is necessary to accommodate the appropriate adaptive reuse of the historic structure in order to create a modernized home while maintaining the original historic features. The construction of a pool will enhance the livability of the residence.

As per LDR 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, openings, rhythm, material, color, texture, roof shape, direction, and other criteria set forth elsewhere in Section 4.5.1.

Response: The construction is for a ground level improvement in the rear yard which will be screened from view by an 8' ht. solid fence. This pool construction will not be seen from neighboring properties or the street. The pool, patio, and fencing will be compatible to the neighborhood in regard to height, mass, scale, materials and color.

We appreciate your time in evaluating this request to allow Mr. and Mrs. Bloch the rights commonly enjoyed by other properties in their neighborhood subject to the same zoning.

Sincerely,



Carol Perez, Landscape Architect ASLA #0001459
President
AGTLAND, P. A.