

6 March 2020

Dear Mayor Petrolia, Commissioners Bathurst, Boylston, Frankel and Johnson:

CC: City Manager Gretsas, P&Z Director Gianniotis

SUBJECT: BPOA Appurtenance Opinion

The Board of Trustees of the Beach Properties Owners' Association (The Board) wishes to provide you with our considered opinion concerning the pending amendment to the appurtenance definition in the LDRs, per resolution 37-20 passed unanimously by the Commission at the January 16, 2020 Commission Meeting.

The Board has studied the recent City approvals of several buildings, which were allowed to exceed the general 35 foot height limit in the RM zoning district of the Barrier Island. These approvals were made under the provision allowing appurtenances to be approved by the Site Plan Review and Approval Board (SPRAB). Our conclusion is that these allowances have led to the equivalent of a fourth floor on these buildings which is contrary to the intent of the LDRs not only in our opinion but also the opinion of a large number of residents.

The specific buildings we refer to, in approximate chronological order of development include the Seagate Yacht Club townhouses at 110 MacFarlane Dr., the 150 Oceanside Condominiums at 150 Andrews Ave, The Cove 4 Condominiums at 344 Venetian Dr., the duplex at 100 Gleason St., and the proposed single family at 1111 Casuarina Ave. In the attachment to this letter we provide photographs of the buildings showing the extent of the appurtenance structures. We do not believe these five buildings are the only ones with excessive appurtenances; they were selected to be representative of the issue. These structures greatly exceed the intent of the LDRs and in our opinion are contrary to neighborhood norms, increase the heights of the buildings to up to 50 feet, block views by many adjacent and nearby residences and are opposed vociferously by many residents.

The Board believes the City should adopt strict limitations on the use of appurtenances when being proposed for elevator and stairway access to the 35 foot roof level of such buildings. While we have spoken on the subject during the public comment period during recent SPRAB and Commission meetings, we were prepared to offer suggested dimensional limitations on such appurtenances at the Feb 26<sup>th</sup>, 2020 SPRAB meeting. The specific property under scrutiny, 1111 Casuarina, was pulled from the agenda at approximately 4:30 of that day and we had little notice in order to submit more general public comment. This letter fulfills some of the testimony we would have provided.

First, The Board's opinion is that approval of appurtenances on single family or multi-family residences in the RM district be granted with clear limitations on the use of such structures: only for necessary mechanical purposes, be limited to a maximum size in area, be limited to a maximum height, and be as far away from the outside walls of the main structure as practical to shield the view from street levels. For the 1111 Casuarina project we suggest:

- a maximum area of 150 square feet,
- a maximum height of 9 feet and
- a minimum setback from the nearest outside wall of 12 feet.

While these restrictions are intended for the specific project, it is The Board's recommendation that similar dimensional restrictions become standard in the revised LDR.

Second, no additional rooftop structures should be approved above 35 ft. except for necessary mechanical equipment. No amenities associated with human occupancy should be allowed. Amenities such as fixed grills, "jacuzzi's", summer kitchens, appliances, large screen TV's and similar items, if desired by the home owner, can be accommodated below the height limit of 35 feet.

Third, the Board believes that using such appurtenances as design elements of the building should be prohibited. The appurtenances are for necessary mechanical equipment only, and not extensions of the buildings' interior features or exterior appearance. Please refer to the 100 Gleason St. and 1111 Casuarina St. renderings to see examples of using the appurtenance as an extension of the design concept.

The Board recognizes that the adoption of a restrictive appurtenance definition is complex and will require much more detail and expertise than what is described in this letter. Our intention is to provide an initial concept of a quantitative definition of elevator and stairway appurtenances. We would very much like to be included in any working group to assist in the new LDR.

Finally, while perhaps outside the scope of this LDR re-write, we feel that no elevator nor stairway appurtenances should be allowed for any residential homes in the "Overlay" areas (R1-AA or R1-AAA) of the Barrier Island. This prohibition is consistent with the Design Guidelines for these areas, but we think it wise to specifically prohibit such structures in the LDRs at this time.

The Board thanks you for your time and consideration of our position of the appurtenance issue and trusts you will find our motivation consistent with everyone's goal of keeping Delray Beach the Village by the Sea.

Sincerely,

Robert Victorin  
President, Beach Properties Owners' Association

ATTACHMENT TO LETTER "BPOA Appurtenance Opinion"



SEAGATE YACHT CLUB. Enclosed fourth story terraces above third stories, accessed by elevator appurtenances.

*Architect: Richard Jones Architecture*

*Builder: Seaside Builders*



150 OCEANSIDE. Each corner of this four unit residence has an elevator appurtenance with connecting exterior walls.

*Architect: Richard Jones Architecture*

*Builder: Seaside Builders*



COVE 4. Large central appurtenance structures house elevators for each of four units.

*Architect: Richard Jones Architecture*

*Builder: Seaside Builder*



100 Gleason St. Rendering. Two central location appurtenances house elevators for each unit of this duplex.

*Architect: Richard Jones Architecture*

*Builder: Ocean Blue Custom Homes*



1111 Casuarina St. Rendering. A large spiral staircase and elevator extends from the first three floors, through the roof into the appurtenance (per SPRAB of 1/8/20).

*Architect: Richard Jones Architecture*

*Builder: unknown*