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August 20, 2020

City of Delray Beach  
Planning and Zoning Department  
100 N. W. 1st Avenue  
Delray Beach, Fl. 33444

Re: Mariani Residence  
300 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:

The client is proposing an addition to the single family residence which will include a 2-car garage with guest suite and pool house. We are requesting a variance from the required rear setback of 12'-0", to be reduced to 5'-0" from the property line, which would allow the new structure to be built over the existing "single car structure" (see proposed floor plans and exterior elevations).

The property is situated on a corner lot (Laing Street and Sandpiper Lane). Per LDR Section 4.3.4(K) – Base District Development Standards, the side street is considered Sandpiper Lane and the front street is based off Laing Street.

The existing single-story house was originally designed by Sam Ogren and constructed in 1937. It's a great example of Delray Beach Vernacular Architecture of that period. It is a relatively small home for this area and zoning at 1,819 sq. ft. under roof. It was totally renovated in 2014 and is a rare gem that has been saved vs. what has typically been considered a tear down in this part of Delray. The home is located on a non-conforming lot, which is approximately 9,594 sq. ft., far smaller than the surrounding properties' sizes within the area. The zoning is R-1-AAA with the min. lot size being 12,500 sq. ft. The property is located on a corner lot which has increased setbacks vs. a typical interior lot. Both the depth and width of the property are non-conforming with a depth of 101'-0" and a width of 95'-0". This historic two-story house was originally

constructed within the front setback, from the required 35'-0" down to 14'-8". There is also a detached structure on the property that was originally a single car garage. It too was originally constructed within the rear setback and extends into the rear setback from the required 12'-0" down to 5'-0".

It's also important to understand that the property was non-conforming when our client purchased it; these existing hardships were "as is" and are not a result of our client's actions. As per LDR Section 4.3.4(K) minimum width/frontage is 100'-0" and this property is 95'-0" wide; minimum lot depth is 110'-0" and the depth of this lot is 101'-0". Minimum lot size for this zoning is 12,500 sq. ft. At 9,594 sq. ft., this lot is significantly smaller than the minimum lot size which clearly creates a challenging hardship for our client to develop this property and deprives them of the rights commonly enjoyed by other properties subject to the same zoning (see attached survey).

As per section LDR SECTION 4.3.4 (K) – Development Standards Matrix, we believe this is the minimal necessary for the addition and is an appropriate location being at the rear of the property. This is a much smaller non-conforming lot with a very modestly sized existing historic structure; even with the minimal proposed addition, the property would only have a 31.7% lot coverage (which includes covered porches and garage). The property is located in R-1-AAA zoning with the following required setbacks:

Front setback: 35'-0" (**currently 15'-5½"**)

Side setback: 12'-0"

Side street setback: 17'-0"

Rear setback: 12'-0" (**currently 5'-0"**)

Minimum lot depth: 110'-0" (**currently 101'-0"**)

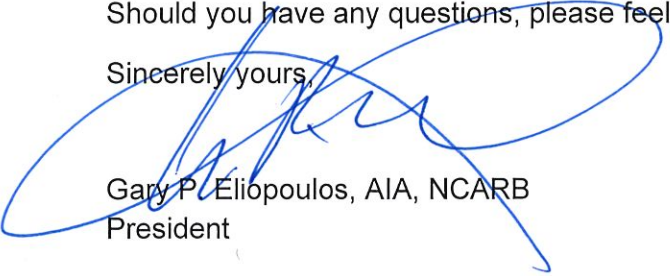
Minimum lot width: 100'-0" (I/C) (**currently 95'-0"**)

Lot frontage: 100'-0" (I/C)

Please see the attached survey, plans and photos.

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 LOR 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):

THE EXISTING HISTORIC HOUSE AND SINGLE-CAR GARAGE ARE SITUATED ON A NON-CONFORMING LOT WITH THE FRONT BEING BASED OFF LAING STREET AND THE SIDE STREET BEING BASED OFF SANDPIPER LANE. BOTH STRUCTURES WERE CONSTRUCTED IN 1937 AND THE EXISTING GARAGE IS OVER THE REAR SETBACK.

- 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 95'-0" WIDE AND 101'-0" DEEP, MAKING THIS LOT MUCH SMALLER THAN TYPICAL LOTS IN R-1-AAA ZONING. THIS CONDITION CREATES A HARDSHIP FOR THE OWNER TO DEVELOP THE LOTS AND DEPRIVES THEM OF THE RIGHTS COMMONLY ENJOYED BY OTHER PROPERTIES SUBJECT TO THE SAME ZONING. IT'S ALSO IMPORTANT TO UNDERSTAND THAT THE EXISTING GARAGE STRUCTURE IS ALREADY LOCATED OVER THE REAR SETBACK.

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

THE NON-CONFORMING CONDITION WAS EXISTING WHEN THIS HOUSE WAS PURCHASED BY THE CURRENT OWNER. THE EXISTING SINGLE-CAR GARAGE WAS CONSTRUCTED WITHIN THE REAR SETBACK.

- 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 ENJOY THE ABILITY TO MAKE MINIMAL UPDATES TO THE PROPERTY (AN ADDITION TO THE SINGLE FAMILY RESIDENCE WHICH WILL INCLUDE A 2-CAR GARAGE WITH GUEST SUITE AND POOL HOUSE), THE SAME AS MANY OF THE SURROUNDING HOMES IN R-1-AAA ZONING. IF THIS PROPOSED VARIANCE IS APPROVED ON THIS NON-CONFORMING LOT, THE PROJECT WOULD HAVE 31.7% LOT COVERAGE, WITH A TOTAL OF 4,795 SQUARE FEET.

- 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 TO USE THE EXISTING SINGLE-CAR FOOTPRINT, WHICH IS UNDERSIZED AND WHICH BY TODAY'S STANDARDS IS ACTUALLY COMPARABLE TO A 1½ CAR GARAGE. AGAIN, AS STATED ABOVE, THE TOTAL AREA UNDER ROOF WILL BE 4,795 SQ. FT. (3,680 SQ. FT. UNDER AIR).

- 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 MINIMAL UPDATES HAVE BEEN SPECIFICALLY DESIGNED TO BE COMPATIBLE WITH THE ORIGINAL 1½ STORY HOUSE THAT WAS DESIGNED BY SAM OGREN, WHICH HAS 8'-0" CEILING HEIGHTS AND IS AT A LOWER GRADE ELEVATION THAN ALL THE SURROUNDING PROPERTIES. THE PROPOSED PROJECT WILL BE VERY COMPATIBLE WITH THE SURROUNDING PROPERTIES.

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