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JUSTIFICATION LETTER

July 23, 2020

City Commission
City of Delray Beach
100 N. W. 1st Avenue
Delray Beach, FL 33444

Re: 822 North Lake Avenue
Delray Beach FL 33483

Dear Commissioners:

This letter is to provide justification for a waiver from the City Commission for a proposed single-family residence for the above referenced property.

Item #1: Relief from Section 4.1.4 (B) and (D) Use of lots of record, which states:

Per Section 4.1.4 (B) ***A residential structure shall not be constructed on any lot, within a residential zoning district, which has frontage of less than 50 feet. However, this provision shall not prevent construction of a residential structure on a Single - Family Lot (or Parcel) of Record which conforms with all other aspects of minimum lot size requirements, but which has no frontage. Further, such a Lot of Record with no suitable access may achieve private access for a single-family residence and similar uses by means of a nonpublic (private) access easement.***

Per Section 4.1.4 (D) ***Within the R-1-A, RL and RM zoning districts, lots of record having at least 40 feet of frontage may be used for Workforce Housing, as long as the workforce housing unit meets the typical designs represented by the sketches set forth in Section 4.7.12(a), the lot is a minimum of 4,000 square feet and conforms to setbacks; provided, however, the minimum side setback may be reduced to a minimum five feet if necessary to accommodate the designs set forth in Section 4.7.12(a) and meets other development standards in the zoning district. The Workforce Housing unit on a lot with frontage as herein described must include rear access via an alley, if available. The unit must also***

contain design features such as, but not limited to, front porches, eyebrows, outriggers, gables, dormers, arbors, trellises, shutters, balconies, decorative vents, siding, textured stucco finishes, undulating facades and other such appropriate architectural features.
[Amd. Ord. 20-06 4/4/06]

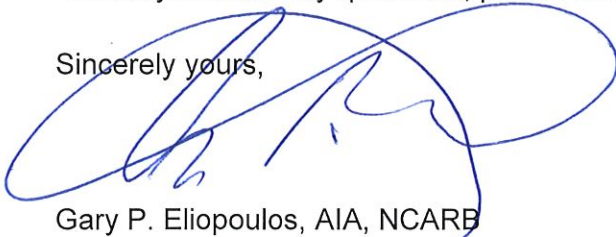
We believe the granting of this waiver from the above sections (4.1.4 (B) and 4.1.4 (D) of the LDR's is justified). The subject property is a 50'-0" wide, platted lot of record in the RL zoning district, with an existing single-family residence that was constructed in 1926, 94 years ago and long before the current code was adopted. Frontage for this lot of record is 49.89 ft., we are talking about 1.32" off of the required 50'-0" (see attached survey). We are not requesting to create a nonconformity lot, its already existing and the owner is proposing to construct a new two-story house, which conforms to minimum lot size and all the setbacks / height limitation.

Additionally, applying the only option for a homeowner to construct workforce housing on a lot of record, discriminates against an owner by turning their asset into a liability and taking away the ability to ever make a profit on their investment. An owner should have the right to redevelop their property and not be forced to construct a "workforce" housing unit. The LDR's should have a clear distinction between a legal lot of record vs. a non-conforming lot that someone is trying to create / develop. If a lot of record can demonstrate that it can be developed and comply with all the setbacks, then it should be allowed to move forward.

It's discriminatory at its face and is only a hardship because the City has created it by applying these restrictions across the entire City with no consideration given to the citizens that have bought into our city, only to find out the City has put limitation on their ability to further develop their property. There are properties throughout the city that have hardships and do not satisfy all the LDR's minimum requirements for lots of record. None of those lots are forced to be developed with "workforce" housing only.

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

Attachments

Exhibit 'A' - Survey

Exhibit 'B' - Proposed Site Plan

Exhibit 'C' - Recorded Plat