

**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 LDR Section 2.4.1(A)(S). 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:*

☒ **JUSTIFICATION STATEMENT IS ATTACHED, WHICH ADDRESSES THE CRITERIA OF APPROVAL BELOW:**

- 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/SINGLE CAR GARAGE ARE SITUATED ON A NON-CONFORMING LOT AND ALREADY ENCROACH INTO THE FRONT AND WEST SIDE SETBACK. THE HOUSE WAS CONSTRUCTED IN 1947.

- 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), THE BASE DEVELOPMENT DISTRICT STANDARDS ARE MINIMUM 9,500 SQ. FT. FOR A LOT IN R-1-AA ZONING. THE EXISTING PROPERTY IS 8,900 SQ. FT. – THIS CONDITION CREATES A HARDSHIP FOR THE OWNER TO DEVELOP THE LOT AND DEPRIVES THEM OF RIGHTS COMMONLY ENJOYED BY OTHER PROPERTIES SUBJECT TO THE SAME ZONING. IT'S ALSO IMPORTANT TO UNDERSTAND THAT THIS HISTORIC STRUCTURE IS ALREADY LOCATED OVER SETBACKS.

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

THE NON-CONFORMING CONDITIONS (LOT SIZE, LOCATED WITHIN SETBACKS AND BELOW THE FEMA FLOOD PLAIN) WERE EXISTING WHEN THIS HOUSE WAS PURCHASED BY THE CURRENT OWNER.

- d) Explain how granting the variance will not confer on to 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 – RENOVATE AND EXPAND THE EXISTING SINGLE CAR GARAGE, THE SAME AS MANY OF THE SURROUNDING HOMES IN R-1-AA ZONING.

- 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 EXISTING HOUSE IS WELL BELOW THE FEMA FLOOD PLAIN AND BY RAISING THE HOUSE UP TO THE NEW ELEVATION, INTERNAL STAIRS WILL BE REQUIRED. THE PROPOSED SINGLE CAR GARAGE WILL BE 10'-0" X 22'-0" ON INTERIOR DIMENSIONS WHICH WOULD BE CONSIDERED A MINIMAL SIZE.

- 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 EXISTING HISTORIC HOUSE. THE EXISTING REGULATIONS STATE THAT THE PROPOSED STRUCTURE SHOULD ALSO BE COMPATIBLE WITH THE SURROUNDING PROPERTIES. IT IS OUR PROFESSIONAL OPINION THAT THE PROPOSED ADDITION WILL ACHIEVE A FAR MORE DESIRABLE DEGREE OF COMPATIBILITY THAN A NEW TWO OR THREE-STORY STRUCTURE.

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

THIS IS A HISTORIC STRUCTURE THAT WAS CONSTRUCTED IN 1947. IT SYMBOLIZES THE "BEACH VERNACULAR" OF THAT PERIOD IN THIS PART OF TOWN. IT'S A TRUE GEM OF ARCHITECTURE AND DELRAY BEACH'S HISTORY.





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November 20, 2020

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

Re: Hutchison Residence  
1114 N. Vista Del Mar Drive  
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 to renovate and expand the existing single car garage on the west side of the property. We are requesting a variance to encroach 5'-0" into the required side setback of 10'-0" for a single car garage.

The property is situated along the south side of Vista Del Mar Drive North.

The proposed single car garage renovation has been designed to be compatible with the original historic single-family house (see proposed exterior elevation).

The existing wood framed single story house was originally constructed in 1947. It's a great example of Delray Beach Vernacular Architecture of that period. The existing base finish floor elevation is currently at 4.28' NAVD. Minimum required finish floor elevation in this area is 6.0' NAVD (8.0' NAVD pending) (see attached photos). In this part of town, most homes of this age are knocked down and replaced with large, two and three-story structures, a trend that is gradually erasing the character of Delray Beach. Our client is proposing to raise the existing house to comply with the FEMA regulations. The home is located on a non-conforming lot that is approximately 8,900 sq. ft., far smaller than the surrounding properties' sizes within the area. The zoning is R-1-AA with the min. lot size being 9,500 sq. ft. This historic single-story house was originally constructed within the front setback, from the required 30'-0" down to 28'-11". (Note: the north property line is a radius and frontage varies.) The west side of the existing structure is also non-conforming with the existing single car garage encroaching into the required 10'-0" setback 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. This lot is significantly smaller than the minimum lot size which clearly creates a challenging hardship for our client to develop this property and to satisfy the requirements of LDR Section 4.6.9 for off-street parking.

The request to allow the garage to project into the side setback is a reasonable request. As per section LDR SECTION 4.3.4 (K) – Development Standards Matrix, we believe this is the minimal necessary for a single car garage and is an appropriate location for this portion of the property and structure. It should also be noted that the existing garage is 9'-4" wide x 17'-6" deep (well below the minimal size of a standard single car garage). It is also important to note that LDR Section 4.6.9 (off street parking) as mentioned above, states that all single-family residences are to have parking for two vehicles, which are not allowed within the front setback. Due to existing conditions this requirement cannot be met. Additionally, due to the house having to be raised to meet the minimum FEMA requirements, the proposed single car garage will require stairs to be constructed to get to the new finish floor elevation, which reduces the depth of the garage.

We believe renovating the existing non-conforming garage to the size of 10'-0" wide x 28'-0" deep (interior dimensions) is the minimum size required and is justified to satisfy the requirements of LDR Section 4.6.9. Granting this variance will not bear an impact comparable to a typical two or three-story single-family home that could be built on this property. If granted, it will provide them rights commonly enjoyed by other properties subject to the same zoning (see attached survey).

The property is located in R-1-AA zoning with the following required setbacks:

Front setback: 30'-0" (currently 28'-11" for a portion of house)

Side setback: 10'-0" (currently 5'-0", west side of property)

Rear setback: 10'-0"

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