

(1 VARIANCE)

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:

☐ **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 IS SITUATED ON A NON-CONFORMING LOT (MIN. LOT SIZE OF 12,500 SQ. FT.- EXISTING LOT IS 5,398 SQ. FT) WITH THE FRONT BEING BASED OFF LAING ST. AND THE SIDE STREET BEING BASED OFF SANDPIPER LANE. THIS STRUCTURE WAS CONSTRUCTED IN 1930, OVER THE CURRENT SETBACKS.

- b) Describe which literal interpretation of the regulations would deprive the applicant of rights commonly enjoyed by other properties subject to the same zoning:

DUE TO THE FACT THAT THE HOUSE IS A HISTORIC 1930 HOME ON A 5,398 SQ. FT. LOT AND ENCROACHES INTO ALL THE SETBACKS, IT WOULD NEVER MEET THE BEACH OVERLAY GUIDELINES. THE GUIDELINES WERE DESIGNED TO PREVENT MANSIONIZATION – NOT FOR HISTORIC HOUSES ON SMALL LOTS.

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

THE PROPERTY WAS RECENTLY PURCHASED BY THE OWNER AND THE NON-CONFORMING LOT SIZE WAS EXISTING WITH ENCROACHMENTS INTO THE SETBACKS

- 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:

THIS SITE AND HISTORIC STRUCTURE ARE IN R-1-AAA ZONING (MIN. LOT SIZE IS 12,500 SQ. FT). THE BEACH OVERLAY GUIDELINES WERE NOT DESIGNED OR INTENDED FOR 5,398 SQ. FT. LOTS. THE PURE DESIGN OF THE MONTEREY STYLE OF ARCHITECTURE WOULDN'T CONFORM TO THE SETBACKS OF THE BEACH OVERLAY GUIDELINES.

- 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 FOOTPRINT, WHICH IS UNDERSIZED FOR THIS NEIGHBORHOOD AND BY TODAY'S STANDARDS.

- 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 DESIGN OF THE ADDITION AND RENOVATION HAS BEEN SPECIFICALLY DESIGNED TO BE COMPATIBLE WITH THE ORIGINAL HISTORIC HOUSE. THE EXISTING HOUSE HAS 8'-0" CEILINGS AND LOWER GRADES THAN THE SURROUNDING PROPERTIES. THE PROPOSED HEIGHT WILL STILL BE COMPATIBLE WITH SURROUNDING PROPERTIES AND BELOW THE MINIMUM 35'-0" TO ROOF MEAN.

- 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 CONSTRUCTED IN 1930. IT'S A CLASSIC EXAMPLE OF THE MONTEREY STYLE OF ARCHITECTURE. IT BLENDS WITH THE "BEACH" VERNACULAR OF THAT PERIOD IN THIS PART OF TOWN AND IS A TRUE GEM OF ARCHITECTURE AND DELRAY BEACH'S HISTORY.