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Board of Adjustment
City of Delray Beach City Hall
100 NW 1st Avenue
Delray Beach, FL 33445

Re: 211 SE 12th Road, Delray Beach, FL 33483

To the City of Delray Beach Board of Adjustment,

Jill Gorelick, Applicant of the real property located at 211 SE 12th Road, Delray Beach, FL 33483, is under contract to purchase said property/lot from Kathy Segel, ALT Homes& Investments, LLC, contingent upon receiving a waiver to build a non-work force single family residence. Kathy Segel originally purchased this home with plans to restore and renovate the previously existing residence. Unfortunately, due to inferior construction, dry-rot, and severe termite infestation, the house collapsed when work began, and they were forced to completely demo and remove the home from the lot.

~~As your code states lot frontage of at least 40' but less than 50' should be work-force housing,~~ we are applying for a waiver to re-build a single-family residence that is non -work force housing, as was previously existing on this lot. This is a tiny, charming private street consisting of 3 other single-family homes (four when this is re-built), with similar frontage and overall lot size. The neighbors would like to see a new non -workforce residence re-built on this lot. ~~Work force housing is not only something~~ this small street of neighbors does not want but that requirement would greatly affect the market rate of their homes. Additionally, it is not financially viable to build a work-force residence on this lot. We are asking that you please consider granting the waiver to build a non -workforce home as previously existed on this lot.

Please accept this correspondence as our letter of justification requesting a waiver from the provisions of Land Development Regulation (LDR) Sections 4.1.4(B) an 4.1.4(D) – use of lots of record. A waiver of said regulations is justified for the reasons set forth herein.

The Property – Lot of Record

The property is legally described as LAMBERT TRAILER COURT W 40 FT OF E 280 FT OF LOT 6. It is located within the R-1-A (single family residential) zoning district. The Property is considered a non-conforming lot of record with frontage of 40' and depth of 133.5'. The lot has a total of 5340 s/f, equivalent to .12 acres. The previous single-family residential home was originally built in 1945.

Use of Lots of Record (LDR Sec. 4.1.4) Waiver Analysis

LDR Section 4.1.4(B) establishes minimum lot frontage requirements of 50' for new construction of a residential structure on a lot of record. This section states:

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 non-public (private) access easement.

LDR Section 4.1.4(D) allows for only Workforce Housing units to be built on residential lots of record with frontage of less than 50 feet. This section states:

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 design 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 of 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 a design feature 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.

According to these regulations, at least 50 frontage feet is required on a lot for new construction of residential non -Workforce Housing. The property does not meet this requirement, as the lot has only 40 frontage feet. Again, as this site has previously contained a non -Workforce home originally built in the 1940's and was removed from the property due to being structurally un-sound and collapsing, we are asking to build a new, non -Workforce home to replace what was previously existing. The property is tucked away behind the Franklin Apartments in a small private enclave (private road) with only 4 homes. Both adjacent properties have similar 40' frontage feet with identical lots and are non -Workforce Housing residential homes.

LDR Section 2.4.7(B)(1)(b) allows for an owner to request a waiver from the aforementioned regulations when no other relief is available. This section states:

Notwithstanding, the City Commission may grant a waiver to any provision of these regulations when there is no other avenue for relief available in these regulations.

As it is not financially viable to build a Workforce home on this lot, and the adjacent neighbors would be not only be greatly affected by reduced market rates for their existing homes, they ~~are adamantly opposed to a work-force home. We are asking for this Waiver to be granted.~~ We can build a wonderful new home that would not only help to increase the beauty of the neighborhood, but the market values as well.

LDR Section 2.4.7 (B)(5) presents the criteria in which a waiver may be granted. This section states:

Prior to granting a waiver, the granting body shall make findings that the granting of the waiver:

- (a) Shall not adversely affect the neighboring area (in this case it would do the opposite in greatly improving the immediate area).
- (b) Shall not significantly diminish the provision of public facilities
- (c) Shall not create an unsafe situation; and,
- (d) Does not result in the grant of special privilege in that same waiver would be granted under similar circumstances on other property for another applicant or owner.

A waiver for the property from 50-foot frontage requirement (LDR Section 4.1.4(B)) and the Workforce Housing requirement (LDR Section 4.1.4(D)) would be justified according to these requirements. The following will address each of the essential findings:

(a) *Shall not adversely affect the neighboring area*

On the contrary, granting this waiver would do the opposite by greatly improving the immediate area and the market rates for adjoining properties. The property is located in a small private residential area, on a private road, and tucked away behind the Franklin Apartment complex. It is only one of four lots in the Lambert Trailer Court subdivision. The property is situated between two adjacent lots both having the same 40-foot frontage with single-family residential homes that are not used as Workforce Housing. The residential structure that was on the property was dilapidated, built directly on sand with no footings, and was unsafe. ~~Granting this waiver request would allow one to rebuild a non -Workforce~~ -single family residence as was originally intended to occupy this lot. This would greatly enhance the neighboring area allowing for a new single-family residential structure, built to code, and help to maintain market rates of nearby residences.

(b) *Shall not significantly diminish the provision of public facilities*

In regard to size, design and function, the proposed new construction would greatly improve the area. The neighboring community is entirely residential. The proposed new construction would just replace an old, decrepit home that previously existed. Granting this

waiver request would not affect or diminish the provision of public facilities. On the contrary, it would enhance the community.

(c) Shall not create an unsafe situation

The current waiver request is to allow for the development of a single-family residential structure on a now empty lot where a previous structure stood. The lot is situated between two other single-family structures on lots of the same size with the same frontage. The wood-framed house that previously stood was decayed, rotted, with broken windows, an unsafe foundation, and needed to be removed for everyone's safety. Granting this waiver would not only enhance the environment but create a safer situation.

(d) Does not result in the grant of a special privilege in that the same waiver would be granted under similar circumstances on other property for another applicant or owner.

Granting this waiver request would not result in the grant of special privilege. Granting this waiver request would bring the property back in line with its originally intended use and in uniformity with the surrounding properties. The city of Delray Beach has granted similar waivers across older and newer subdivisions where residential lots do not meet the current dimensional requirements of the LDRs. I've listed a few examples of similar waivers recently granted for the following properties with less than 50 feet of frontage utilizing the same LDR Section 4.1.4(B and D):

302 SE 5th Street

~~306 SE 5th Street~~

822 Lake Avenue 204 NE 10th Street

Banyan Court 40' subdivision received multiple waivers

In conclusion, this waiver request would allow for the rehabilitation and redevelopment of a residential structure in a small residential neighborhood, as similar waivers have done for other properties with most under similar circumstances. We respectfully request that the City of Delray Beach support and grant this request.

Please feel free to contact me for any additional information, or with any questions or concerns you may have. Thank you for your time and consideration.

Respectfully,
Jill Gorelick

