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August 16, 2021

City of Delray Beach
Board of Adjustment
100 N. W. 1st Avenue
Delray Beach, Fl. 33444

Re: Hutchison Residence
1225 North 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 demolish the existing swimming pool and construct a new swimming pool for the existing single-family residence on the above referenced property. We are requesting the following variance:

Item #1: Reduction in the front setback from the required 30'-0" to 10'-0", to allow for the proposed swimming pool which will be at grade.

This property is situated between North Vista Del Mar Drive on the south side, and Laing Street on the north side, with the front setback being measured from Vista Del Mar Drive, and the rear setback being measured from Laing Street (see attached letter from the City of Delray Beach). Point of access to the property is from Laing Street.

The existing swimming pool was constructed within the front setback and was non-conforming when our client purchased the property. It should be noted that this pool was constructed in 1985. This is an existing hardship that was not created by any actions of our client.

Per LDR Section 4.3.4(E)(3) – Base District Development Standards, the front of a lot is the side with frontage on the street.



This request to allow the proposed new swimming pool to encroach into the front setback is a reasonable request as it is replacing an existing, unsafe, non-conforming swimming pool (existing 36-year-old pool has been redone a couple of times over the years and it has exceeded its life expectancy). It should be noted that both adjacent properties (1221 and 1231) have pools in the front yards.

Applying LDR Section 4.3.4(K) – Base District Development Standards, would deny the owner the ability to have a swimming pool because the property is accessed from Laing Street at the rear. The existing residence is not being replaced and is currently being renovated.

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

Front setback: 30'-0"

Side setback: 10'-0"

Rear setback: 10'-0"

As per section LDR SECTION 4.3.4 (K) – Development Standards Matrix, we feel this portion of the property is the only appropriate location to construct a swimming pool due to how the existing house is extremely close to the existing pool, which is creating a very unsafe condition for young children.

For the above reasons, we believe a reduced front setback is justified with regard to LDR Section 4.6.15(G)(2).

When adjacent to at least 50 feet of open space, as defined in Section 4.3.4(H)(5)(c) and (d), swimming pools at grade level may extend into the rear of interior side setback area but to no closer than five feet (5').

Although the above portion of the LDR's is referencing a reduced pool setback for the sides and rear of the property, we feel this property is unique because this particular part of Vista Del Mar Drive North has a continuous landscape median that runs from the easternmost address of this street to Andrews Avenue, separating eastbound and westbound traffic.

Please see the attached survey and proposed drawings 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



DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

April 28, 2021

Mr. Graham Hutchinson
1225 Vista Del Mar Drive
Delray Beach, FL 33483

RE: 1225 Vista Del Mar Drive

Dear Mr. Hutchinson:

This letter is provided to you as the owner of the above referenced property to provide a determination of frontage. The property has frontage on two local streets: Vista Del Mar Drive and Laing Street. Section 4.3.4 of the City of Delray Beach Land Development Regulations (LDR) provides direction for determining the front for lots, corner lots and for through lots with frontage on arterial or collector streets, and for lots with limited access easements. It does not expressly direct how to determine the front for through lots with frontages on two local streets.

For this property only, I am making the determination that Vista Del Mar Drive is the front of the lot and Laing Street is the rear. This determination is based upon the existing development pattern on the block, which reflects the following:

1. Vista Del Mar Drive is a more prominent street, with a center median.
2. The lots on the south side of Vista Del Mar Drive are not through lots and face Vista Del Mar Drive.
3. Two lots on the north side of Laing Street face Laing Street, while the others face side streets.
4. A front setback is applied to Vista Del Mar Drive for the homes on the through lots on the north side of the street.
5. The front doors to the homes are oriented toward Vista Del Mar Drive.

While conventional practice in the City has been to utilize a limited access easement to define the rear of through lots, the properties in this area of the city are also characterized by vehicular access from either or both streets. The code does not prohibit vehicular access from the rear of the properties. Further, since the Beach Property Owners Design Manual applies to this area, additional setbacks are required for upper stories, detached garages are encouraged, and a higher level of design criteria is applied to new construction, helping to ensure a positive addition to the neighborhood.

Please contact me if you have any other questions or concerns.

Sincerely,

Anthea Gianniotis, AICP
Director

Cc: Michael Vinci, Planner
Project file