

WEISS, HANDLER & CORNWELL, P.A.

WILLIAM J. BERGER

WILLIAM J. CORNWELL*

DAVID K. FRIEDMAN

HENRY B. HANDLER

CAROL A. KARTAGENER◊

MIRANDA N. SPRINGFIELD

HOWARD I. WEISS**

*FL, GA BARS

**FL, NY BARS

◊BOARD CERTIFIED MARITAL &
FAMILY LAW

ATTORNEYS AT LAW

ONE BOCA PLACE

2255 GLADES ROAD, SUITE 205-EAST
BOCA RATON, FLORIDA 33431-7392

OF COUNSEL

MICHAEL BARASCH◊◊

SHAWN BUTTERS-KIRLAN

HARRY WINDERMAN

◊◊NY BAR ONLY

Telephone (561) 997-9995
Toll Free (800) 863-9560
Facsimile (561) 423-0458
Facsimile (561) 997-5280
www.weisshandler.com

October 2, 2020

VIA HAND DELIVERY

City of Delray Beach

ATTN: Scott Pape

100 N.W. 1st Avenue

Delray Beach, FL 33444

Re: Certain property located at 609 East Atlantic Avenue a/k/a 615 East Atlantic Avenue, Delray Beach, Florida.

Dear Scott:

This firm represents Edwards Atlantic Avenue, LLC, an Ohio limited liability company (“Owner”), the owner of the project commonly known as Atlantic Crossing (“Project”).

On behalf of the Owner, we have submitted the following applications (copies enclosed):

1. Application for abandonment of platted sidewalk easements under Section 2.4.6 (M) of the City of Delray Beach Land Development Regulations (“LDRs”); and
2. Application for waiver of setback requirements (“Waiver”) under Section 2.4.7 (B) of the LDRs.

The relief sought by the applications is necessary due to the Florida Department of Transportation’s (“FDOT”) requirement that the Owner dedicate to FDOT certain land at intersections within the Project (as depicted on the attached sheet), for sight visibility and signalization purposes. As a consequence of these dedications, the previously approved improvements to be constructed for the Project encroach on the required 5 foot setback by .5 feet. Accordingly, Owner is seeking a waiver allowing for a 4.5 foot set back in lieu of the required 5 foot set back.

Because each encroachment is only .5 feet, the granting of the waiver will neither create an unsafe condition, adversely affect the neighborhood, nor significantly affect the provision of public facilities. The granting of the waiver also will not result in a special privilege, as it is necessitated by actions of FDOT, not by any act or event created by the Owner. The granting

City of Delray Beach
ATTN: Scott Pape
October 2, 2020
Page 2

of the waiver will promote policy goals of the City of Delray's Comprehensive Plan, as it will enable FDOT to provide signalization infrastructure and will enhance view corridors in the affected intersections/right of ways.

Very truly yours,

WEISS, HANDLER & CORNWELL, P.A.



SHAWN BUTTERS KIRLAN

SB/jdn
Enclosures
cc: Client