

**Re: NW 8th Ave Land, LLC
Enclave by the Sea Plat Application
Project Narrative and Waiver Justification Statement**

Project Narrative and Waiver Justification Statement

The land subject to this application (“Parcel”) is an un-platted, vacant parcel of land located on Northwest 8th Avenue, in the southwest corner of the Lake Ida Shores single family home residential subdivision. The Lake Ida Shores subdivision is located west of Swinton Avenue, north of Lake Ida Road and East of the Delray Lakes single family residential subdivision.

The Parcel is the only vacant undeveloped parcel of land on Northwest 8th Avenue along a single street strip of the R-1-AAA single family zoning district. This strip of the R-1-AAA zone is inappropriately designated, as 9 of 13 homes (70%) are nonconforming in size. 7 of the 13 lots are the precise width as the subject Parcel. Each of these seven lots is smaller in depth than the subject parcel by over 42 feet.

The subject Parcel is the **largest lot on Northwest 8th Avenue**, 210 feet deep and 104.97 feet of street frontage. Its area is 16,911 square feet, 4,000 square feet over the minimum lot size in the R-1-AAA zone. The Parcel conforms to and exceeds all R-1-AAA lot calculation requirements, but for its calculated width, at 80 feet. Notwithstanding, the Parcel’s 80 foot width meets or exceeds most of the R-1-AAA homes along Northwest 8th Avenue.

Recent construction of a single-family home at **614 NW 8th Avenue**, one of the 9 non-conforming lots along NW 8th Avenue and 8 lots north of the Parcel, was approved in 2025 by the City, with only 80 feet of lot width and frontage, both non-conforming to the R-1-AAA requirements. 614 NW 8th Avenue is only 13,600 square feet, 82% of the 16,911 square foot lot size of the subject Parcel.

The Parcel’s development as a single lot plat, single family home would conform with all of the existing homes along NW 8th Avenue. In fact, the abutting homes of Lake Ida Shores on the east side of 8th Avenue, across the street from the Parcel, are within the R-1-AA single family zoning district. The Parcel would fully conform to the requirements of the R-1-AA zoning district, and to the homes just across the street. The Applicant requires a waiver of the 100’ lot width requirement of R-1-AAA district as the sole relief for the development of the Parcel.

Development of the Parcel will additionally address two significant community safety and access issues:

- ***Resolved street access for the neighboring homeowner.*** The Applicant’s neighbor to the north, at **508 NW 8th Avenue**, has **no legal street access or**

frontage, an odd triangular shaped lot and one of the 9 non-conforming lots on NW 8th Avenue. The proposed Enclave by the Sea Plat will provide the owner of 504 NW 8th Avenue with a vehicular ingress and egress easement. The owners of 504 NW 8th Avenue have submitted its support for the requested relief in this Application, to allow for the platting of the Parcel and creation of its ingress and egress easement.

- **Resolved community safety concern.** The Parcel is an unwanted vacant and unsupervised access point to the Delray Lakes gated subdivision to the west. The Parcel has a lengthy history of trespass and associated theft and other criminal behavior committed in the Delray Lakes community. The well publicized 2006 armed robbery suspect, in chase from north Palm Beach County, used this vacant lot as his point of entry, resulting in a community lockdown where authorities located the suspect in the canals of Delray Lakes.

The Homeowner's Association for the Delray Lakes subdivision, as well as many of the homeowners along Delray Lakes Drive (the Delray Lakes roadway to the west of the Parcel) support the development of the Parcel to rid the unwanted vacant access to their community.

The Parcel should conform with the community and neighboring streets, to be developed as a single-family home. Platting of the Parcel would be a matter of right but for the non-conforming lot width. The Applicant therefore requests the appropriate relief and waiver of the lot width requirement.

Request for Relief; Waiver Justification

The R-1-AAA zoning district requires 12,500 square foot minimum lot size, 110 foot minimum depth, 100 foot minimum width and 100 foot minimum frontage. The Parcel is **130% the minimum lot size** at 16,911 square feet. Its depth is almost **double** the minimum required depth and frontage exceeds the required frontage. The calculated lot width is 80 feet. The Applicant seeks relief from the required lot width of 100 feet, which is well justified and appropriate under the Land Development Regulations requirement for the grant of a waiver.

LDR 2.4.11(B) provides that 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; (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 a special privilege in that the same waiver would be granted under similar circumstances on other property for another applicant or owner. Each of the required findings are well supported by the facts and circumstances of this request for relief.

(a) Granting the waiver will not adversely affect the neighboring area.

As set forth above, the Parcel **as it currently exists, without the relief sought**, “adversely affects the neighboring area”. Granting the waiver will **resolve a number of area adverse matters** in that:

- The waiver will allow an ingress and egress easement for 508 NW 8th Avenue, which is currently landlocked. The Enclave by the Sea proposed plat dedicates an easement for the entry driveway for 508, which has been endorsed and supported by the owners of 508 NW 8th Avenue. The waiver will **resolve the lack of legal street access and marketability of title for 508 NW 8th Avenue**.
- The waiver will resolve the unwanted vacant and unsupervised access point to the Delray Lakes gated subdivision to the west of the Lake Ida Shores subdivision and the Parcel. The undeveloped vacant lot is the only vacant lot along NW 8th Avenue in Lake Ida Shores, and has served as an “attractive nuisance” for adolescent loitering, criminal trespass and illegal access to Delray Lakes Drive and the entire Delray Lakes gated subdivision to the west. The Delray Lakes community has endorsed and supported the waiver to allow the development of the vacant Parcel.

(b) Granting the waiver will not significantly diminish the provision of public facilities.

There is no negative impact on any public facilities. Utilities have all submitted statements that the proposed development of a single family home on the Parcel will not affect existing utility service, nor will it hinder the ability to perform maintenance activities. It will not require any extension of existing utility service or require any additional easements.

Granting the waiver will, however, resolve and create access for the public road, NW 8th Avenue, for the owners of 508 NW 8th Avenue.

(c) Granting the waiver will 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.

The facts and circumstances of this Parcel support no special privilege. In fact, the denial of the waiver will result in a special privilege for a number of similarly situated owners along NW 8th Avenue in that:

- The Parcel is the only vacant undeveloped parcel of land on Northwest 8th Avenue along a single street strip of the R-1-AAA single family zoning district. **9 of 13 lots (70%)** on NW 8th Avenue are **nonconforming in size**. 7 of the 13 lots **are the precise width** as the subject Parcel. Each of these seven lots is **smaller in depth**

than the subject parcel by over 42 feet. Each of these lots are improved with single family homes.

- **614 NW 8th Avenue**, one of the non-conforming lots was approved for construction of a single family home in the summer of 2025 with **only 80 feet of lot width and frontage (the same lot width sought here in our waiver)**, both non-conforming to the R-1-AAA requirements. 614 NW 8th Avenue is **only 13,600 square feet, 82% of the 16,911 square foot lot size of the subject Parcel.**
- Despite the lot width, the Parcel still has 104.97 feet of street frontage, thus its “street width” is well in excess of the required lot width. The relief is sought only due to the LDR’s requirement to use the shortest width as its “lot width”. The Parcel’s frontage exceeds almost all of the lots’ width along NW 8th Avenue.

The grant of the requested relief and waiver, allowing the lot width of 80 feet, the single lot plat and the development of the Parcel in conformity with all other lots both along NW 8th Avenue, and surrounding Lake Ida Shores community to the east. The Parcel, in fact, is one of the largest parcels in the entirety of the surrounding Lake Ida Shores and the Delray Lakes subdivision. The grant of this waiver will preserve the conformity of the entirety of the surrounding community.