

October 28, 2024

**VIA E-MAIL**

Development Services Management Group ("DSMG")  
City of Delray Beach  
Development Services Department  
100 NW 1<sup>st</sup> Avenue  
Delray Beach, FL 33444

**Re: Administrative Relief for Front Yard Setback for 220 Palm Trail**

Dear DSMG:

We are excited to submit the enclosed application for Administrative Relief on behalf of Richard D. Holt, Jr., the owner and a long-time resident of 220 Palm Trail (the "Property") in the City's R-1-AA zoning district. Mr. Holt is seeking relief from the front yard setback requirement to maintain the existing setback and accommodate building a new residence at the Property where he has resided for over 20 years.

**Code Requirement & Waiver**

Mr. Holt is seeking 5 feet of relief from the R-1-AA district's front yard setback requirement of 30 feet to maintain the existing setback at his Property. § 4.3.4(K), City Land Development Regulations ("LDRs"). Although Mr. Holt's residence is currently 30 feet from the front lot line of the Property, the City's LDRs have changed since Mr. Holt purchased his Property. Mr. Holt is in the process of designing a new residence for his family at the Property they have inhabited for over 20 years and new requirements require Mr. Holt to shift the new structure 5 feet back from the current setback line.

Today, front yard setbacks are measured from the ultimate right-of-way line. The ultimate right of way line at Mr. Holt's Property sits approximately 5 feet on interior side of and parallel with Mr. Holt's front lot line along Palm Trail. The requested relief will allow Mr. Holt to maintain the existing front yard setback at the Property, consistent with the look and feel of the surrounding neighborhood, accommodate construction of a new residence at the Property, and not interfere with the City's requirement to provide additional right-of-way along Palm Trail.

### **Findings for Granting Administrative Relief**

The DSMG should grant Administrative Relief when the following findings are present:

- (a) The relief sought is consistent with the authorization provided for in the LDRs;
  - (b) The intent of the affected regulation is preserved;
  - (c) The action will not be detrimental to the public health, safety, or welfare; and
  - (d) The relief is consistent with the established character of the surrounding neighborhood.
- § 4.4.11(D)(5), City LDRs.

As described below, Mr. Holt's request is supported by sufficient evidence for the DSMG to find relief and should be granted.

#### **1. The relief sought is consistent with the authorization provided for in the LDRs**

Mr. Holt is seeking 5 feet of from the R-1-AA district's front yard setback requirement of 30 feet to maintain the existing setback at his Property. § 4.3.4(K), City LDRs. The DSMG is authorized to grant up to 5 feet of relief for adjustments to setback requirements for detached single-family structures, like Mr. Holt's, resulting from the City's right-of-way dedication requirement. § 2.1.2(B)(3)(b)(1)(c), City LDRs. As a result, Mr. Holt's relief is consistent with the authorization provided for in the LDRs.

#### **2. The intent of the affected regulation is preserved**

Mr. Holt's relief preserves the intent of the affected regulation. The City's front yard setback requirements are intended to, amongst other things, regulate and determine areas of open space within and surrounding buildings. §§ 4.3.4(A) & 4.1.1, City LDRs (stating the base development standards are provided to fulfill the purpose statements of section 4.1.1, City LDRs). The LDRs determine 30 feet of open space is appropriate for front yards in the R-1-AA district, including Mr. Holt's Property. The City requires Mr. Holt to provide 5 feet of his Property for a new right-of-way for sidewalk and drainage needs. The relief Mr. Holt is seeking will allow the Property's existing setback to be effectively maintained. Although the Property's new yard line will be located 5 feet inward as a result of the required dedication, this relief maintains the LDR's intent of providing for 30 feet of open space in the Property's front yard between the residence and street line.

#### **3. Relief will not be detrimental to the public health, safety, or welfare**

Mr. Holt's request will not be detrimental to the public health, safety or welfare. In fact, the relief will benefit the public by allowing Mr. Holt to provide land for additional right-of-way and drainage, which will result in a more walkable neighborhood when sidewalks are installed and improved drainage.

**4. The relief is consistent with the established character of the surrounding neighborhood**

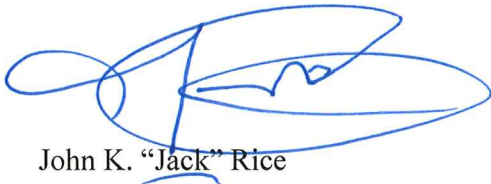
The relief sought is consistent with the established character of Mr. Holt's Property and the surrounding neighborhood. Relief allows for the existing façade of Mr. Holt's residence to be maintained, consistent with the general locations of front facades of other existing homes on the west side of Palm Trail.

**Additional Justification**

Mr. Holt is seeking relief as a result of the City requirement that property owners along Palm Trail provide 5 feet of property for additional right-of-way. Mr. Holt's Property is already nonconforming in depth (approximately 93-foot lot depth at the southern property line in lieu of the 100 feet required). The City's requirement that Mr. Holt dedicate 5 feet of his Property's front yard for additional right-of-way will reduce his lot depth even further to approximately 88 feet at the southern line of the Property, which results in hardship that might otherwise amount to the taking of Property without just compensation. As a relief, Mr. Holt is seeking 5 feet of relief from the front yard setback requirement at his Property. This relief is consistent with what has been granted at approximately 8 other locations on Palm Trail.

We look forward to working with City staff and presenting this request for relief to the DSMG for approval. Do not hesitate to contact us if you have any questions.

Sincerely,



John K. "Jack" Rice

Enclosures.

cc: Client (via email)  
John Lindgren, AICP

ACTIVE:35037054.3