



## Cover Memorandum/Staff Report

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**File #:** 25-109

**Agenda Date:** 2/18/2025

**Item #:** 7.C.

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**TO:** Mayor and Commissioners  
**FROM:** Anthea Gianniotis, Development Services Director  
**THROUGH:** Terrence R. Moore, ICMA-CM  
**DATE:** February 18, 2025

RESOLUTION NO. 20-25. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A WAIVER REQUEST TO SECTIONS 4.1.4(B) AND 4.1.4 (D) OF THE LAND DEVELOPMENT REGULATIONS TO ALLOW CONSTRUCTION OF A NON-WORKFORCE HOUSING SINGLE-FAMILY RESIDENTIAL STRUCTURE ON THE PROPERTY LOCATED AT 316 SW 4TH AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Recommended Action:**

Consider Resolution No. 20-25, a waiver request to Sections 4.1.4(B) and 4.1.4(D) of the Land Development Regulations to allow construction of a non-workforce housing single-family residential structure on the property located at 316 SW 4th Avenue.

**Background:**

The subject property, 316 SW 4<sup>th</sup> Avenue, consists of two lots of record - Lots 4 and 24, Block 32, of the "Block 32 of Delray" plat as recorded in Plat Book 6, Page 97 of the Public Records of Palm Beach County in 1917. The property has Low Density (LD) land use, and Single Family (R-1-A) zoning. The subject property is currently vacant. The lot was platted at 50 feet of width; through unknown circumstances subsequent to plat recordation in 1917, the surveyed width shows the lot width as 49.81 feet. The request is to allow for the construction of a non-workforce housing residential structure on a lot less than 50 feet.

The lots have not been legally combined; they are combined for tax purposes only through the Property Appraiser. The request is for a market rate house on the property, which is comprised of two lots.

Pursuant to LDR Section 4.1.4(B), a residential structure shall not be constructed on any lot, within a residential zoning district, which has frontage of less than 50 feet. Frontage is defined as "A lot boundary adjoining a street," therefore any lot boundary that provides at least 50 feet along a street provides sufficient Frontage to allow the development of a residential structure on a Lot of Record, and is not limited to Workforce Housing. LDR Section 4.1.4(D), adjusts this regulation for legal lots of record with at least 40 feet of frontage in the R-1-A, RL and RM zoning districts for the express purpose of workforce housing. Lot 4 of the subject property has frontage on SW 4<sup>th</sup> Avenue of less than 50 feet (49.81 feet), and therefore requires a waiver to develop as non-workforce housing.

Pursuant to **LDR Section 2.4.7(B)(5)** 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

The frontage of the lot is consistent with other lots on the block and in the neighborhood. Granting of the waiver will have no impact on the provision of public facilities, as the issue is the affordability level, and not whether a house can be built on the property. The lot is 2.28 inches less than the minimum lot frontage required to develop the lot by right. The City Commission has heard and approved this type of request, where the survey size and the plat differ; for example, 822 N Lake Avenue.

The development of market rate lots meets the intent of the of the Housing Element of the Comprehensive Plan, *"Promote the supply of high quality housing that accommodates the needs, preferences, and financial resources of existing and future residents"* because the demand for housing is so high in the City. However, the provision of workforce housing is high priority for the City and is supported by numerous comprehensive plan policies, including Policy HOU 3.2.7 *Diversify affordable housing options by allowing the construction of non-conventional single-family residences on non-conforming lots of record located east of Interstate 95.* Allowing the development of lots that would otherwise not be allowed was offered as incentive in the LDRs for the creation of workforce housing units.

The lot is only 2.28 inches less than the width required to develop the lot by right. The Commission should consider if this small amount is sufficient reason to grant the requested waiver. If it is, whether this type of relief (when the plat met the 50-ft. requirement but the modern survey method indicates a shortage of inches) could be approved administratively in the future.

**City Attorney Review:**

Resolution No. 20-25 is approved as to form and legal sufficiency.

**Funding Source/Financial Impact:**

Not applicable.

**Timing of Request:**

Resolution No. 20-25 will be effective immediately upon adoption.