



CITY OF DELRAY BEACH
 DEPARTMENT OF DEVELOPMENT SERVICES
 100 N.W. 1ST AVENUE • DELRAY BEACH • FLORIDA 33444 • (561) 243-7040



TO: DEVELOPMENT SERVICES MANAGEMENT GROUP (DSMG)
FROM: Susana Rodrigues, Planner
DATE: August 8, 2024
RE: 731 SE 4th Avenue – ROW Reduction Request

PROPERTY INFORMATION:

Zoning: Single-Family Residential (R-1-A)
Prior Use: One-story Single-Family Residence, ca. 1972
Proposed Use: Single-Family Residence

BACKGROUND:

An application was submitted on June 26, 2024, to reduce the right of way width dedication required on the southern property line of the Lot on SE 8th Street from 5 feet to 0 feet. The property consists of Lot 25 and 26, and a single-family dwelling unit exists on both lots. The property is zoned Single Family Residential District (R-1-A).



LDR Section 5.3.1(A), Right-of-way Dimensions and Dedication required. *Right-of-way dimensions and dedications, whether public or private, shall be consistent with Table MBL-1 "Street Network and Classification and Improvements" of the Mobility Element, providing for coordinated rights-of-way dedications with the Florida Department of Transportation and Palm Beach County.*

Table MBL-1 sets forth 50 feet as the ultimate right of way width for other streets with curb or/and gutter.

Table MBL-1 Street Network Classification and Improvements					
STREET NAME	LIMITS	CLASSIFICATION	JURISDICTION	ULTIMATE RIGHT-OF- WAY	NUMBER OF ULTIMATE THRU LANES
Other streets without curb and gutter		Local	City	50'	2
Alleys		Local	City	20'	2

LDR Section 5.3.1(A)(3), *When development is adjacent to an existing or planned street, the development shall be responsible for providing one-half of the ultimate right-of-way or such portion of the ultimate right-of-way which is yet undedicated and which is on that development's side of the ultimate right-of-way center line. In situations where there are unusual topographic features, greater or lesser dedications may be required.*

REQUEST:

The required right-of-way width for SE 8th Street is a minimum of 50 feet, which would require a dedication of 5 feet adjacent to the south property line. The Applicant is requesting a reduction of the right-of-way of SE 8th Street from the required 50 feet to remain as the platted 40 feet.

DSMG CONSIDERATION	SE 8th Street
Required ROW Width	50 feet
Reduction Request	5 feet

LDR Section 5.3.1(A) (7), Reduction in width. *A reduction in the required right-of-way width may be granted by the body having the approval authority of the associated development application in developments in which new streets are created. For existing streets, reductions in right-of-way width may be granted by the City Engineer upon a favorable recommendation from the Development Management Services Group (DSMG).*

Reductions in the required right-of-way width may be granted pursuant to the following:

- (a) The reduction is supported by the City Engineer. Nonsupport by the City Engineer may be appealed to the City Commission.*
- (b) That requiring full dedication would constitute a hardship in a particular instance and that all required improvements will be provided in a manner which will not endanger public safety and welfare.*
- (c) That acceptable, alternative provisions are made to accommodate features which would otherwise be accommodated within the right-of-way e.g. alternative drainage systems, alternative pedestrian walkways, alternative on-street parking, etc.*

STAFF REVIEW:

The request would minimize the required ROW width for SE 8th Street; however, the required 15-foot side street setback will remain.

Staff conducted an analysis of the current right of way width of SE 8th Street, and no previous dedications have been granted for SE 8th Street to meet the required 50-foot minimum width.

FINDINGS:

LDR Section 2.4.11(D)(5), Findings, *Prior to granting administrative relief, the administrative official or body shall find:*

- (a) That the relief sought is consistent with the specific authorization provided for in these regulations;*
- (b) That the intent of the affected regulation is preserved;*
- (c) That 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.*

APPLICANT JUSTIFICATION:

The applicant's request is provided as an attachment.

REVIEW PROCESS:

If the request is approved, the building permit review process may proceed if the plans are consistent with the outcome of the request. Compliance with any other applicable regulations not related to or impacted by the subject request is also required.

If the request is denied, an appeal can be requested by the applicant that will be considered by the City Commission for a final determination.