

**DUNAY
MISKEL
BACKMAN** LLP

Gary Dunay
Bonnie Miskel
Scott Backman
Eric Coffman
Hope Calhoun

Dwayne Dickerson
Ele Zachariades
Matthew H. Scott
Matthew Kwasman
Christina Bilenki

Lauren G. Odom
Nicole Jaeger
Rachael Bond Palmer

January 12, 2022

Via Electronic Delivery

Brian Ruscher
City of Delray Beach
Development Services Dept.
100 NW 1st Ave
Delray Beach, FL 33444

Re: Transmittal of Supplemental Justification Statement for the Existing Abandonment Application
for 213 SE 2nd Avenue – The Hutt, LLC

Mr. Ruscher:

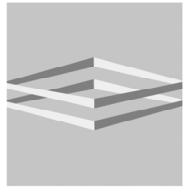
The Hutt LLC ("Petitioner") is the owner of the +/- 0.05-acre parcel located at 213 SE 2nd Avenue ("Property") (PCN: 12434616040870050), which is generally located on the south side of SE 2nd Street and east of SE 2nd Avenue and the railway in the City of Delray Beach ("City"). The Property is currently developed with an unoccupied 1 story Quonset hut. The Property abuts two (2) segments of the same alleyway. The segment to the north of the Property is a 12' alley and the segment to the east of the Property is a 16' alley. Currently, neither of the alleyway segments are functioning for their intended purpose. As such, Petitioner is seeking to abandon both the north and east segments of the existing alleyway.

Pursuant to this request, Petitioner previously submitted an application to abandon both portions of the existing alleyway. Please accept the enclosed justification statement as a supplement to the original application that was submitted to the City.

Please do not hesitate to contact me directly at 561-405-3331 should you have any questions or need additional information. Thank you.

Sincerely,

Nicole Jaeger, Esq.
Dunay, Miskel and Backman, LLP



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213 SE 2nd Avenue
Abandonment of Right-of-Way
Justification Statement

The Hutt LLC (“Petitioner”) is the owner of the +/- 0.05-acre parcel located at 213 SE 2nd Avenue (“Property”) (PCN: 12434616040870050), which is generally located on the south side of SE 2nd Street and east of SE 2nd Avenue and the railway in the City of Delray Beach (“City”). The Property is designated Mixed-Use Commercial Core (CC) on the City’s Future Land Use Map and is zoned Central Business District – Railway Corridor (CBD-RC). The Property is currently developed with an unoccupied 1 story Quonset hut. The Property abuts two (2) segments of the same alleyway. The segment to the north of the Property is a 12’ alley and the segment to the east of the Property is a 16’ alley. Both segments are platted on the Linn’s Addition to Osceola Park Plat (“Plat”). Currently, neither of the alleyway segments are functioning for their intended purpose. As such, Petitioner is seeking to abandon both the north and east segments of the existing alleyway.

Petitioner will demonstrate that the abandonment application meets the following criteria enumerated in Section 2.4.6(M)(5) of the City’s Land Development Code (“Code”): (a) That there is not, nor will there be, a need for the use of the right-of-way for any public purpose; (b) That the abandonment does not, nor will not, prevent access to a lot of record; (c) That the abandonment will not result in detriment to the provision of access and/or of utility services to adjacent properties or the general area.

1. That there is not, nor will there be, a need for the use of the right-of-way for any public purpose.

Currently, there is no need for the use of the right-of-way for any public purpose as it only exists on paper. The depictions below show the 16’ alley to the east of the Property, which is not paved or in use. The vehicular access to the alley ends at the Property’s southeastern boundary line. The City has located three (3) signs signaling the end of the alley.



The property to the south is currently developed as a public parking lot owned by the Delray Beach CRA. The parking lot currently provides a means of ingress and egress from SE 2nd Avenue, which connects the alley and SE 2nd Avenue. As such, the proposed abandonment will not impact the current access and circulation pattern for the alley and will not otherwise create a dead-end corridor for the remaining portions of the alley, as the alley was never constructed. Furthermore, the parking lot does not need the services and benefits an alley provides. The purpose of an alley is to provide access for utility providers, delivery services, loading and other back of house activities. The parking lot, with no building or uses other than parking and access, doesn't need the alley for typical back of house reasons and as such, extending the alley will not provide a benefit to the City or CRA.



The property to the east ("East Parcel") was previously comprised of several smaller parcels that were combined to create a single unified parcel. Upon doing so, the east west alley on the east side of the Property was vacated. As a result, the East Parcel is large and configured in a manner in which all utility, loading, delivery and other services are facilitated on site, thereby eliminating the need for an alley. As such, even if the alley was extended to the north, the East Parcel would have no use for it. It is clear by the existing state of the alley that the East Parcel does not use the alley nor is the alley space required for any utility or delivery services.

Finally, the property to the north ("North Parcel") is irregular in shape. The North Parcel becomes significantly narrower at the north end of the property. Considering the unique configuration of the North Parcel, if the alley was extended to the north, the alley would have to dead end at the northeast corner of the property because the North Parcel is not wide enough to continue the alley without rendering the North Parcel virtually unusable. As such, extending the alley to include the portion to the east of the Property would ultimately end in the same dead end condition that currently exists.



Similarly, there is no need for the use of the 12' alley located to the north of the Property for a public purpose. The Plat shows that the alley previously extended through to SE 3rd Avenue. That portion of the alley has since been abandoned and incorporated into the larger parcel to the east. The 12' alley is nonconforming and does not meet the City's current minimum right-of-way width requirement, which is 20'. If the alley was built out, an additional 8' feet would be required to widen the alley. The existing Property is only +/- 2,401 square feet, as such the Property will likely be rendered undevelopable if any additional square footage is dedicated to widening the alley. Considering the foregoing, the existing 12' alley does not serve a public purpose.

Finally, Petitioner completed a turning radius study on both the existing 12' and 16' alleyways. The study confirmed that the portions of the alley sought to be abandoned could not practically support vehicular traffic larger than a single passenger car. As such, the alley could not support

secondary functions such as utility services, deliveries, trash pick-up, loading/unloading, or other activities that utilize larger vehicles and trucks. Considering this, the alleyways to be abandoned are unusable for their intended purpose and do not provide a benefit to any of the surrounding parcels.

2. That the abandonment does not, nor will not, prevent access to a lot of record.

The abandonment does not, nor will not, prevent access to a lot of record. Each of the surrounding properties are accessible from either SE 2nd Avenue or SE 3rd Avenue. Furthermore, the properties to the north of the Property are accessible from SE 2nd Street. The existing built out portions of the alleyway will remain accessible through the existing circulation pattern through the City's parking lot parcel. As such, the abandonment does not, nor will not, prevent access to a lot of record.

3. That the abandonment will not result in detriment to the provision of access and/or of utility services to adjacent properties or the general area.

The abandonment will not result in detriment to the provision of access and/or of utility services to adjacent properties or the general area. As mentioned before, there will still be two (2) points of ingress and egress from SE 2nd Avenue through the City's parking lot to the south, and the proposed abandonment will not otherwise create a dead-end corridor for the remaining portions of the platted alley. Additionally, as a result of the findings of the turning radius study, the portions of the alley sought to be abandoned could not practically support vehicles larger than a single passenger car without taking more property for alley purposes. Given the size of the parcels on the north side of the block, additional dedications would result in hardships to the Petitioner's Property and the parcels to the north. Finally, according to the survey, there may be some existing facilities located within the proposed abandonment area. Petitioner will work with local service providers to provide easements as necessary.

Conversely, the existing alleyways create a detriment to the Property. The Property is the smallest property in the surrounding neighborhood with a lot area of only +/- 2,401 square feet. Furthermore, it is the only lot in the block that is impacted by a double alley, with the 12' alley to the north and the 16' alley to the east. In addition, the current structure on the Property is nonconforming. The development standards in the CBD-RC require a minimum front setback of 10' and a minimum rear setback of 10'. The rear of the existing structure is constructed on the existing Property line, with no rear setback. Additionally, due to the angle of the front Property line, it appears that portion of the structure does not meet the front setback requirement of 10'. The alley abandonment would make the Property more conforming in compliance with the intent of the Code. The development potential of the Property is severely restricted because of the size of the Property. The additional square footage gained by the abandonment will help create a more useable parcel consistent with the development pattern of the existing neighborhood. Petitioner is proposing to reactivate the vacant space and create an economically viable use for the benefit of the City. As such, the abandonment will not result in detriment to the provision of access and/or of utility services to adjacent properties or the general area. Conversely, the

abandonment will enhance the Property and create a more viable use area for the benefit of the community.