

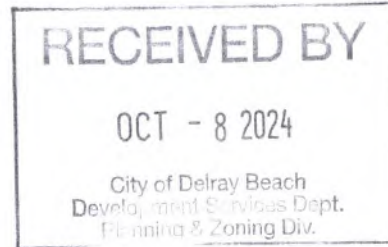


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October 7, 2024



Mr. Patrick Figurella, P.E., City Engineer
City of Delray Beach
Public Works Department/Engineering Division
434 S. Swinton Avenue
Delray Beach, FL 33444

Re: Weinberg Residence
1221 Laing Street
Right-of-way Reduction Request

Dear Patrick:

Please accept this request letter on behalf of Max and Rebecca Weinberg for the Reduction of the Right-of-way Width for this section of Sandpiper Lane and to allow to remain "as-is" at 30'-0".

Pursuant to LDR Section 5.3.1 [**Streets (rights-of-way)**], (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.

(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.

(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.

As per item (b) above, an additional 5'-0" R.O.W. would clearly cause a hardship to the subject property, which is currently 5,398 sq.ft. and zoned R-1-AAA, where the minimum required lot size is 12,500 sq.ft. This dedication would reduce the lot size to 4,853 sq.ft.

With regards to Sandpiper Lane, the existing R.O.W. is 30'-0" and services five properties, in which five of the lots are non-conforming. When looking at the LDR standards for streets, alleys, dead-ends, and cul-de-sacs, it's clear that Sandpiper Lane does not meet any of the criteria, and unless all the homes are demolished, it never will. This additional 5'-0" R.O.W. will serve no public purpose and would not be expanded in the future due to the fact that 323 Sandpiper Lane is currently 2,100 sq.ft. with a lot depth of 50'-0".

Additionally, pursuant to LDR Section 2.4.11(D) **Administrative relief**. Administrative relief is the method whereby relief is granted from development regulations by an administrative official or the Development Services Management Group (DSMG).

(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

Based upon the above, Mr. and Mrs. Weinberg respectfully request the City Engineer and Development Services Management Group (DSMG) grant the reduction of the required right-of-way width for this section of Sandpiper Lane to remain at 30'-0" in width.

It should be noted that the proposed project was approved on April 1, 2021, by the Board of Adjustment, which had the entire ground floor as new construction. The proposed structure will be an exact replica of the previously approved residence with the exception of replacing the second and third floor exterior walls with concrete block vs. wood frame.

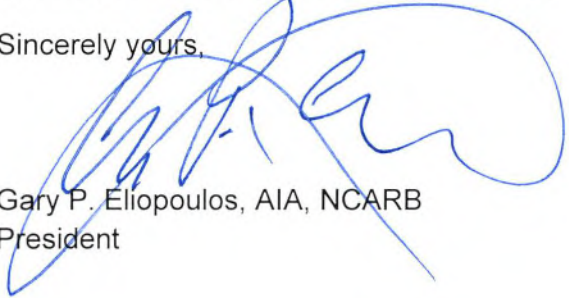


In making this request of the Reduction of the R.O.W. to you, the Weinbergs reserve all rights associated with the previously granted Waivers and Variances and nothing herein shall be deemed an abandonment or waiver of such rights and approvals.

Attached are the location map, survey, and site plan for your review.

Should you have any questions, please feel free to contact me at our office (561) 276-6011.

Sincerely yours,



Gary P. Eliopoulos, AIA, NCARB
President