



Cover Memorandum/Staff Report

File #: 26-0361

Agenda Date: 4/7/2026

Item #: 7.C.

TO: Mayor and Commissioners
FROM: Anthea Giannotes, Development Services Director
THROUGH: Terrence R. Moore, ICMA-CM
DATE: April 7, 2026

RESOLUTION NO. 58-26: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A WAIVER TO THE MINIMUM LOT WIDTH ASSOCIATED WITH THE PROPOSED "ENCLAVE BY THE SEA" PLAT FOR THE PROPERTY LOCATED AT 504 NW 8TH AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI-JUDICIAL)

Recommended Action:

Review and consider Resolution No. 25-26, a request for a waiver to **Land Development Regulations (LDR) Section 4.3.4(K), Development Standards Matrix - Residential Zoning Districts**, to allow a minimum lot width of 80 feet in lieu of the required 100 feet for the lot created by the "Enclave by the Sea" plat, currently addressed as 504 NW 8th Avenue.

Background:

The subject property is an un-platted, vacant parcel of land located on the west side of NW 8th Avenue, between Enfield Road and Sunshine Drive, within the Lake Ida Shores neighborhood. The property is zoned Single-Family Residential (R-1-AAA) zoning district and has a Low Density Residential, 0-5 du/acre (LD) Land Use Map (LUM) designation. The proposed "Enclave by the Sea" plat is currently being processed administratively pursuant to **LDR Section 2.4.8(C)(3), Procedure**. The plat seeks to establish an 80-foot by 184.79-foot (16,911 square feet) buildable lot, with 104.97 feet of frontage along NW 8th Avenue for the purpose of constructing a single-family residence.

Pursuant to **LDR Section 4.3.4(K), Development Standards Matrix - Residential Zoning Districts**, the R-1-AAA zoning district requires a minimum lot width of 100 feet. Therefore, the applicant is requesting a waiver to allow a lot width of 80 feet. The applicant's justification statement is attached.

The proposed lot is comprised of an abandoned 50-foot-wide right-of-way (Resolution No. 38-06) and a replat of Parcel "B" Lake Ida Shores (PB 25, PG 54). The property is surrounded by single-family residences, with the Lake Ida Shores neighborhood to the north and east, and the Delray Lakes single-family residential subdivision to the south and west, with approximately 15 feet along Tract "H," a canal. It is important to note, the configuration of the proposed lot will not allow for a dock, as the lot cannot accommodate the minimum 10 ft. setback from the adjoining properties.

The right-of-way was abandoned on June 6, 2006, via Resolution No. 38-06.

On June 2, 2015, the City Commission denied a request for a final plat (Charles Penman Paterson

Plat) with a waiver to the minimum lot width and lot frontage. The denial was primarily based on the finding that the waiver would not adversely affect the neighboring area.

LDR Section 4.3.1(D), Application of district regulations, states that "*No yard or lot existing at the time of the passage of this chapter shall be reduced in area or dimensions below the minimum requirements set forth herein. Lots or yards created after October 1, 1990 shall meet the minimum requirements established by this chapter unless the City Commission declares at the time of approval of an associated development application that it is necessary and appropriate to create such a nonconformity*".

The following findings must be made, prior to granting a waiver:

LDR Section 2.4.11(B)(5), Waiver: Findings

Prior to granting a waiver, the granting body shall make findings that granting of a 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 would be granted under similar circumstances on other property for another applicant or owner.*

The subject property is within a strip of R-1-AAA zoned properties along NW 8th Avenue backing onto a canal. While the lot does not meet the minimum lot width, the proposed lot width is consistent with the neighborhood pattern, and exceeds the minimum lot frontage, lot depth, and lot area requirements in the R-1-AAA zoning district. Most of the surrounding lots were platted at 80 feet wide and are classified as legal nonconforming lots of record.

The property to the north (Lot 13) is a triangular-shaped lot and does not have legal lot frontage along NW 8th Avenue, originally having access from the abandoned right of way. However, it is a platted lot and is legally nonconforming. The "Enclave by the Sea" plat proposes a vehicular ingress/egress easement at the northeast corner to provide legal vehicular access to 508 NW 8th Avenue (Lot13) , which appears to take access largely across Lot 12, thereby reducing an existing nonconformity. It is important to note, these access issues should have been resolved with the initial abandonment and are slightly improved through the proposed plat, which provides an easement.

The remnant parcel has limited uses, likely only open space or an infill single family residence. Allowing the development of a house on a similar sized lot as the surrounding area will not diminish the provision of public facilities or create an unsafe situation. The development of the property does not require an extension of utility services as the area has services.

City Attorney Review:

Resolution No. 58-26 was approved to form and legal sufficiency.

Funding Source/Financial Impact:

Not applicable.

Timing of Request:

If approved, a plat can be submitted and administratively processed.