



Planning Solutions

March 20, 2023

**301 NE 7th Avenue
Waiver Request
Narrative/Justification Letter**

This Narrative Letter associated with the Waiver Application is respectfully submitted on behalf of 301 Manor, LLC for the property located at 301 NE 7th Avenue (PCN12-43-46-16-05-121-0151). The property is situated at the northeast corner of NE 7th Avenue and NE 3rd Street.

Background/Development Proposal:

The 0.1658-acre (7,223 sf.) property located at 301 NE 7th Avenue, Delray Beach, FL 33444 (Palm Beach County Property Control Number: 12-43-46-16-05-121-0151), contains a one-story 1,869 square foot duplex constructed in 1955 with back-out parking onto NE 7th Avenue.

The property has a Land Use Map designation of MD (Medium Density Residential 5-12 du/ac) and is zoned RM (Medium Density Residential). Within the RM zoning district, single family residences are subject to the R-1-A (Single Family Residential) zoning district regulations.

The proposal is to demolish the existing 1,869 sf. duplex and construct a 3-story, 5,476 sf. single family residence with a 3-car garage, 2 guest spaces, a swimming pool, and associated landscaping.

A building permit application (BP No. 23-00215974) to demolish the existing structure and construct the new single family residence is currently in the permit review process and requires dedication of 5' of right-of-way along NE 7th Avenue, a 25' radius at the intersection of NE 7th Avenue and NE 3rd Street and a 2' right-of-way dedication along the abutting north/south alley.

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.*

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



It is noted, per LDR Section 6.1.2. – **Street and alleys.** (C) **Design requirements.** (2) **Intersections.** (e) Property line radii shall be as follows:

- 25 feet along local streets

Therefore, a 25' radius is also being dedicated at the southwest corner of the site at the intersection of NE 7th Avenue and NE 3rd Street.

Per LDR 2.1.2 (B) (**Development Services Management Group**) (3) **Duties, powers, and responsibilities.**

- (a) **Recommendations.** The DSMG has the authority to review and recommend changes to local ordinances and policies.
- (b) **Actions.** A majority vote of a quorum is required to pass any action. The DSMG has the authority to take action on the following items pursuant to the procedures and standards of the LDR:
1. Grant administrative relief limited to the following:
 - a. Modifications to the streetscape standards in Central Business District (CBD).
 - b. Deviations up to five percent, up to a maximum of one foot, from an already approved waiver during construction.
 - c. Adjustments to setback requirements for detached single-family and duplex structures resulting from right-of-way dedications, equal to the amount of the dedication, but no more than five feet.

Waiver Request:

Pursuant to LDR Section 4.3.4(K) (Development Standards Matrix) the R-1-A setback requirements are the following:

R-1-A DEVELOPMENT STANDARDS		
SETBACKS	REQUIRED	PROVIDED
Front:	25'	20'
Side Street:	15'	15'
Side Interior:	7.5'	7.5'
Rear:	10'	8'

It is noted, the proposed splash pool complies with the 10' pool setback requirements per LDR Section 4.6.15.

The request is to adjust/reduce the Front Building Setback requirement from 25' to 20' and the Rear Building Setback requirement from 10' to 8' for a single family residence, equal to the amount of the dedication due to the right-of-way dedication requirements, per LDR Section 2.1.2(B)(3)(b)1.c.

Waiver Analysis/Findings:

Pursuant to LDR Section 2.4.7(B)(5) **Findings.** 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 would be granted under similar circumstances on other property for another applicant or owner.

As stated previously, adjustments to setback requirements for detached single-family and duplex structures resulting from right-of-way dedications, equal to the amount of the dedication, but no more than five feet.



The subject property is situated at the northeast corner of NE 7th Avenue and NE 3rd Street and is 53.5' wide x 135' deep (7,223 sf.). As stated, a right-of-way dedication of 5' will be provided along NE 7th Avenue, a 25' radius at the intersection of NE 7th Avenue and NE 3rd Street and a 2' right-of-way dedication along the abutting north/south alley. With the right-of-way dedications, the new lot depth will be 128' and 506 sf. of land area will be dedicated for right-of-way purposes.

A building permit application no. 23-00215974 to demolish the existing structure and construct a new single family residence is currently in the review process. The request to adjust the front and rear building setback requirements results from the 5' right-of-way dedication requirement along NE 7th Avenue and the 2' dedication along the alley. The applicant has committed to dedicating the required rights-of-way and respectfully requests setback reductions. Due to the right-of-way dedication, the lot depth has been reduced, which impacts the building footprint of the proposed residence. The adjustment to the building setbacks is intended to maintain the character of the surrounding neighborhood and streetscape, especially along NE 7th Avenue.

Regarding NE 7th Avenue, there are circumstances where homes have not provided the 5' right-of-way dedication and maintained a 25' setback. The proposal to dedicate the 5' of right-of-way and allow a front setback adjustment to 20' will result in the same building placement while also maintaining the NE 7th Avenue streetscape.

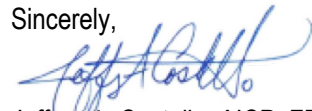
Regarding the rear setback reduction, there are many circumstances where existing walls and fences have been installed along the rear property lines adjacent to the alley within this block, which limit access and maneuverability. There are also structures that do not comply with the 10' setback requirements or would be nonconforming if the alley right-of-way is dedicated in the future. The proposed 3-car garage will be accessed from the alley and is 23' deep. With the 8' building setback and 18' wide alley as a result of the 2' dedication, there will be 49' from the head of the garage spaces to the east right-of-way line of the alley with 26' of pavement between the garage and east alley right-of-way. As a result of pre-application meeting with staff, the garage access on NE 3rd Street was relocated to the alley to ensure the sight visibility triangle requirement was met at the intersection of the alley and NE 3rd Street.

Given the site's constraints and circumstances particular to the property, it is reasonable to grant the adjustment to the setbacks. The waiver will not adversely affect the surrounding neighborhood, as the character of the streetscape and building placement will be maintained. The waiver will not diminish the provision of public facilities and will not create an unsafe situation. The waiver will not grant any special privilege in that similar relief has been granted and may also be granted under similar circumstances on other properties for another applicant or owner. Therefore, positive findings can be made with LDR Section 2.4.7(B)(5).

Should you have any questions, please contact me at 561.573.1486 or jcostello@jcplanningsolutions.com.

Thank you for your consideration.

Sincerely,



Jeffrey A. Costello, AICP, FRA-RA, Principal
JC Planning Solutions, LLC

