



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: Jennifer Buce, Planner

DATE: October 15, 2024

REQUEST: Consideration of a reduction to the right-of-way width for Sandpiper Lane to maintain the existing, 30-foot width, whereas a width of 40 feet is required.

PROPERTY INFORMATION

Zoning:

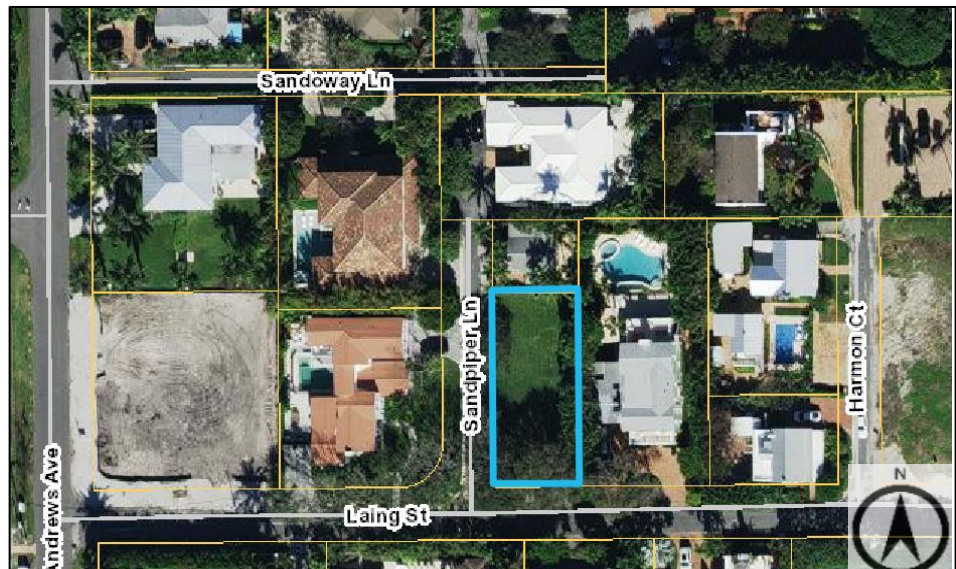
Single-Family Residential
(R-1-AAA); North Beach
Overlay District

Prior Use:

Single-Family Residence,
ca. 1937

Proposed Use:

Single-Family Residence



BACKGROUND:

The request is associated with the redevelopment of the subject property. The original structure, built in 1937, was demolished in 2022.

On March 4, 2021, the applicant was granted approval by the Board of Adjustment (BOA) for five variances associated with additions and modifications to an existing two-story structure to reduce the minimum front setback (south), side street setback (Sandpiper Lane-west), side interior setback (east), and rear setback (north) requirements, and increase the maximum lot coverage requirement. Given the date of construction, the two-story residence was nonconforming with respect to the minimum required front, side-street, and side-interior setbacks. The basis and intent of the variance requests were to support the reuse of the structure by elevating it and constructing a new first story, a two-story addition to the west, and a new garage to the rear of the property.



REVIEW OF REQUEST:

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 specifies 40 feet as the required ultimate right-of-way width for Local streets on the Barrier Island other than Vista Del Mar Drive and Bay Street.

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.*

Thirty feet of right-of-way exists for Sandpiper Lane; therefore, a dedication of five feet from the subject property is required.

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:

Sandpiper Lane is a dead-end street that is accessed by five single-family properties. The street to the north, Sandoway Lane contains a home that abuts the home at the dead end of Sandpiper Lane, making Sandpiper Lane impossible to be a through street in the future. While the Plat shows that many of these lots were subdivided through the years, Sandpiper Lane was not one of the original Streets of the recorded plat and was carved out of the properties adjacent to Laing Street.

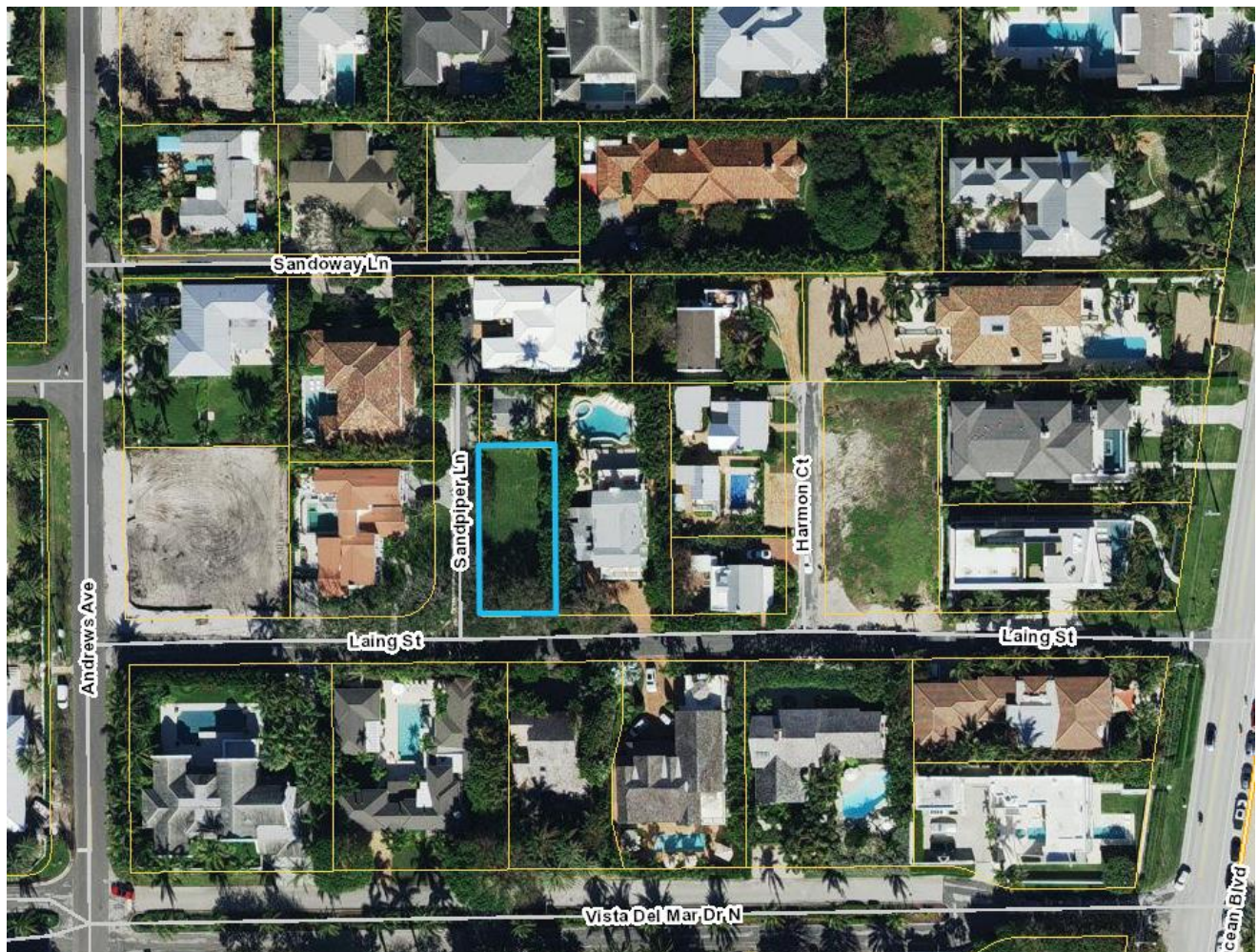
A review of the current right-of-way width of Sandpiper Lane indicates that no prior development or additional construction required that additional right-of-way be provided. The most recent new construction occurred in 2015 at 326 Sandpiper Lane, while 300 Sandpiper Lane, originally constructed in 1937, has had significant additions and site improvements since 2009.

Pursuant to LDR Section 4.3.4(K), Development Standards Matrix, the minimum lot size for the R-1-AAA zoning district is 12,500 square feet and the minimum required width and depth is 100 feet by 110 feet. The subject property is an existing non-conformity with a lot size of 5,450 square feet and is 109 feet by 50 feet, which is more akin to the R-1-A zoning district requirements. While the dedication will provide additional right-of-way, the existing lot size will be further reduced and non-conforming for the zoning district. However, this is not uncommon in older areas of the city that were developed or platted prior to the adoption of the existing regulations.

Comprehensive Plan, Housing Element

Goal Hou 1: Neighborhood Character; Promote, Support, Enhance the unique characteristics of Delray Beach's Neighborhoods.

The five-foot dedication required along Sandpiper Lane for 1221 Laing Street could alter or impact the unique characteristics of the surrounding neighborhood. Many of the existing lots were subdivided from the original plat and are non-conforming to the minimum zoning district requirements.



APPLICANT JUSTIFICATION

The applicant's request is provided as an attachment.

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.*

REVIEW PROCESS

If the request is approved and no other relief is requested, the applicant must submit an application for review and approval of a Beach Property Owner's Application prior to the submittal of a building permit application.

If the request is approved and additional relief is requested, then the relief must be reviewed and approved by the appropriate acting body prior to the review and approval of a Beach Property Owner's Application and submittal of a building permit application.

If the request is denied, the plans must reflect the required five-foot right-of-way dedication or an appeal can be requested in accordance with LDR Article 2.5, Appeals. Appeals of the DSMG are considered by the City Commission for a final determination.