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325 Oak Aly
Waiver Requests – Setback Reduction and Right-of-Way Reduction Request
Narrative / Justification Letter

Please accept this request letter on behalf of City of Delray Beach for the property located at 325 Oak Aly, Delray Beach (PCN 12-43-46-16-01-032-0220) for a 2'-0" front setback reduction, equal to the required 2'-0" Right-of-Way dedication.

The City of Delray Beach is proposing to construct a 2,046 sq. ft. (under roof) 1-story single family house.

The proposal includes the 2' right-of-way dedication to increase the right-of-way width from 16.4' to 18.4', per LDR Section 5.3.1(A)(3).

In addition, the proposal includes the following waiver request:

- Adjustment to the front building setback from 25' to 23'.

Setback Adjustment/Waiver:

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	RELIEF
Front:	25'	25'	2'

The request is to adjust/reduce the Front Building Setback requirement from 25' to 23' 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 2.4.11(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 on the east side of Oak Aly and is 49.80' wide x 90.02' deep (4,491 sq. ft.). As stated, a right-of-way dedication of 2' will be provided along Oak Aly. With the right-of-way dedications, the new lot depth will be 88.02' and 99.6 sf. of land area will be dedicated for right-of-way purposes.

The proposal is to construct a 2,046 sf. 1-story single family home. The request to adjust the front building setback requirement results from the 2' right-of-way dedication requirement along Oak Aly. 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 setback will maintain the character of the Oak Aly streetscape and the surrounding neighborhood.

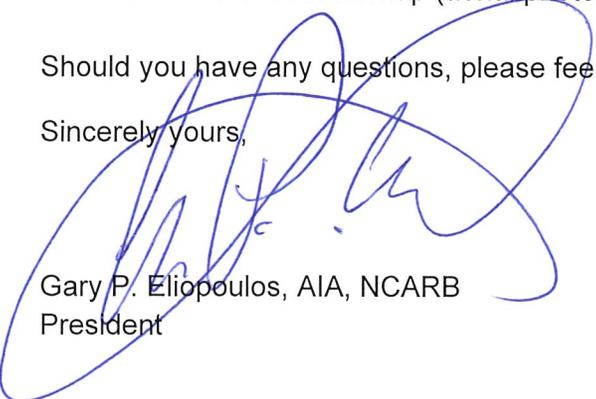
It is reasonable to grant the adjustment to the front building setback. The waiver will not adversely affect the surrounding neighborhood, as the character of the streetscape and building placement will be maintained. The waiver/adjustment will not diminish the provision of public facilities and will 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 2.4.11(B)(5).

Based upon the above, City of Delray Beach respectfully requests Development Services Management Group (DSMG) grant the requested waivers.

Attached are the location map (aerial photo, site photos), survey 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