



BENNARDO LAW GROUP, P.A.

EXPERTISE IN REAL ESTATE | STRATEGIC BUSINESS PLANNING

October 8, 2025

VIA COURIER DELIVERY

Anthea Gianniotis
Development Services Director
City of Delray Beach
100 NW 1st Avenue
Delray Beach, Florida 33444

ZONING INTERPRETATION REQUEST

Re: Zoning Opinion Request for 814 SE 2nd Avenue, Delray Beach, Florida 33444 ("Lot")

Dear Ms. Gianniotis:

This office represents the interests of the owner of the above property. Please consider this a formal request for a zoning interpretation regarding the Property. The following background and analysis is relevant to our request:

1. The Lot is lot 7 of Block 14, of OSCEOLA PARK (the "Plat") within the R-1-A single family residential district. The Lot has a front and frontage along Southeast 2nd Avenue of 50' and a depth of 132.5'. The Lot has no other street frontage, abutted by Lot 8 to the south, and an unimproved right of way to the north.
2. The Lot is a "lot of record" pursuant to L.D.R. 1.3.2 and 4.1.4, which allows the Lot to be established in accordance with its original configurations for the construction of a single-family dwelling on the Lot.
3. The Lot is approximately 155 feet to the south of SE 8th Street and abuts one additional residential lot to the north. The Lot is approximately 250 feet north of SE 9th Street, and abuts five lots to the south.
4. The Lot **does not abut a Street**.
5. To the North of the Lot is an **unimproved and unutilized alley**. The alley is not used for nor fit for vehicular or foot traffic. It is not paved or graveled. The alley is fully obstructed by several large trees, shrubbery and fencing. It has no practical or possible use as a roadway and **provides no function for any vehicular or foot traffic**.
6. The Property required a 3-foot dedication of land for the unimproved alley. The owner of the Lot applied for and received a **setback reduction equal to the dedication in the amount of 3 feet**. A copy of the DSMG Finding and reduction is attached.
7. The property is in the R-1-A residential zoning district. Under R-1-A, the applicable setbacks are:

Front	25 feet
Side Street	15 feet
Side Interior	7.5 feet
Rear	10 feet

8. Under the Land Development Regulations, the Property is an **interior lot** for purposes of the side setbacks on both the south and north.
9. To the south, the property abuts another Lot. To the north, although there is an unimproved alley, abutting the Lot, **there is no street**. The use of the land to the north is another Lot. **The interior lot side setback of 7.5 feet thus applies.** The 3 feet setback reduction designates the north setback after the dedication to **4.5 feet**.
10. The existence of an unimproved alley to the north does not affect the side setback designation as an interior lot. **The 15 foot side setback only applies if the property abuts a Street.**
11. Appendix A of the Land Development Regulations, DEFINITIONS, provides:

Appendix A, Land Development Regulations

STREET. A strip of land, owned privately or publicly, which affords legal access to abutting land and is designated for vehicular traffic. "Street" includes road, thoroughfare, parkway, avenue, boulevard, expressway, lane, throughway, place, and square or however otherwise designated. Streets are further classified according to the function they perform.

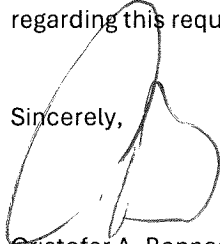
12. The Land Development Regulations defines a Street to be **the function it performs**, not its existence as a legal city right of way. The unimproved alley:
 - a. has **no function as a street**.
 - b. Is **not designated for vehicular traffic**;
 - c. Is **not a road, thoroughfare, parkway, avenue, boulevard, expressway, lane, throughway, place, or square**.
13. The applicable side setbacks for 814 SE 2nd Avenue are therefore 7.5 feet on the north and south. On the North, the side setback after the DSMG reduction is 4.5 feet.

I have enclosed the following to assist with this request a copy of the DSMG Finding dated February 19, 2025;

The Owner requests a zoning interpretation to confirm the above applicable setbacks after application of the granted setback reduction to be 4.5 feet on the north side setback and 7.5 feet on the south side setback.

I have also enclosed a check in the amount of \$275.00 to facilitate this request. If there are any other questions regarding this request, please call my office. Thank you in advance for your response.

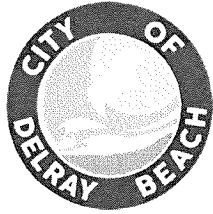
Sincerely,

A handwritten signature in black ink, appearing to read "Cristofer A. Bennardo". The signature is stylized with a large, looped initial "C" and a trailing flourish.

Cristofer A. Bennardo

Enclosures

cc: Client



CITY OF DELRAY BEACH
DEPARTMENT OF PUBLIC WORKS
434 S SWINTON AVENUE • DELRAY BEACH • FLORIDA 33444 • (561) 243-7295



February 19, 2025

Cristofer A Bernardo, Esq
Padula Bernardo Levine, LLP
3837 NW Boca Raton Boulevard, Suite 200
Boca Raton, FL 33431

RE: 814 SE 2nd Avenue Right-of-Way Reduction Width Request
Development Services Management Group Meeting Results

Dear Mr. Bernardo,

There was a Development Services Management Group (DSMG) meeting held February 13, 2025, at 2:00 P.M. The DSMG reached the following recommendations:

- The request for a 3' reduction in the Right-of-Way of the alley was denied.
- The DSMG granted a 3' relief of the side setback for the property if the applicant so chooses. Another request to DSMG will not be required.

Per LDR Section 5.3.1(A)(7) the City Engineer may grant a reduction in right-of-way width after a favorable recommendation from the DSMG. Since the DSMG did not provide a favorable recommendation for this right-of-way width reduction the request is hereby denied.

If you have any questions regarding the subject property, you may contact me at 561-243-7000 ext. 6220 or via email at figurellap@mydelraybeach.com.

Sincerely,

Patrick A Figurella

Patrick A. Figurella, P.E.
Development Services Engineering Division Manager

CC: DSMG Members
File

SERVICE • **P**ERFORMANCE • **I**NTEGRITY • **R**ESPONSIBLE • **I**NNOVATIVE • **T**EAMWORK

DOCUMENT INCLUDES 3D HOLOGRAM FOIL AND MULTITONAL VOID PANTOGRAPH. COMPLETE DETAILS OF SECURITY FEATURES ON BACK.

BENNARDO LAW GROUP P.A.
(OPERATING ACCOUNT)
3837 NW BOCA RATON BLVD STE 200
BOCA RATON FL 33431



001512
63-1579/670

10/08/2025

PAY TO THE
ORDER OF

City of Delray Beach

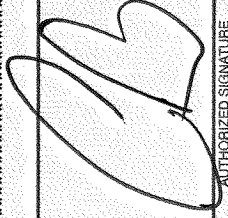
**275.00

\$

Two hundred seventy-five and 00/100*****

DOLLARS

City of Delray Beach
100 NW 1st Avenue
Delray Beach, FL 33444


AUTHORIZED SIGNATURE



MEMO
814 SE 2nd Avenue: Zoning Opinion Request

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