

**316 SW 4th Avenue, Delray Beach
Waiver Justification Statement**

This justification statement is respectfully submitted to provide a project description and background, along with response to the waiver criteria related to an Affordability Waiver for the property located at 316 SW 4th Avenue, Delray Beach PCN 12-43-46-16-01-032-0040. Approval of the Affordability Waiver will result in construction of a market-rate single family home.

PROJECT DESCRIPTION

The owner bought this lot intending to build his new home, but when a survey was done, it was discovered that the lot is 49.81' in width/frontage even though it was a 50' platted lot of record. City staff was asked if construction and sale at market rates could proceed without a waiver since the property had been platted at 50' and that the reduction in the surveyed lot size has resulted from incorrect surveying over the years of other adjacent lots. However, City staff stated that a waiver is required. For that reason, this application requests a waiver from the affordability requirements on lots that are less than 50' in width/frontage.

WAIVER REQUESTS

In accordance with LDR Section 2.4.7 a waiver involves the granting of partial or total relief from a specific development regulation. In this case, this proposal requests a waiver from affordability restriction because of surveying errors over the years that have resulted in the 50' wide platted lot of record being reduced to 49.81'. As provided in LDR Section 2.4.7(B)(5), 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;

Response: The proposed waiver is for the affordability restriction only, is for a lot of record that was platted at 50' but because of extremely minor surveying errors on adjacent properties in the past the lot frontage is 49.81' which is 0.19' or 2.28". This will have no adverse impact whatsoever on the neighboring area.

- (b) Shall not significantly diminish the provision of public facilities;

Response: The proposal will result in no increase in the number of allowable homes, and will only result in the ability of the owner to sell the home at market rate rather than being restricted by affordability requirements. As such the waiver will not diminish the provision of public facilities.

- (c) Shall create an unsafe situation; and,

Response: The proposed waiver will enable the applicant to sell the home for a price higher than allowable by the affordability restriction and construction will be in compliance

with all other applicable development and construction regulations. As such approval of the waiver will not create an unsafe situation.

- (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.

Response: Since the property was platted at 50' in width/frontage but surveying errors on adjacent lots result in a lot width/frontage of 49.81' which is 0.19' or 2.28", and a waiver would not have been required but for the surveying errors. As such no special privilege would be granted by approval of the waiver.

This waiver request is consistent with the criteria for granting a waiver in LDR Section 2.4.7(B)(5), and as such this application respectfully requests approval to allow the new single-family home to be developed without any affordability restrictions.