



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: Alexia Howald, Senior Planner
DATE: May 9, 2024
RE: RELIEF TO SETBACKS FOR 301 NE 7th AVENUE

PROPERTY INFORMATION:

Zoning: Residential Medium (RM)
Prior Use: One-story duplex, ca. 1955
Proposed Use: 3-story, 5, 476 sf single family residence

BACKGROUND:

A building permit (Permit No. 23-215974) for the demolition of the ca. 1955 duplex and new construction of a single-family residence was submitted in January 2024. The new construction consists of a 3-story, 5,476 sf single family residence with a 3-car garage, 2 guest spaces, a swimming pool, and associated landscaping.



Review comments indicated that the following dedications would be required:

- NE 7th Avenue (Front/West): Five feet; min. 50 feet required; 45 feet exist.
- Alley (Rear/East): Two feet; min. 20 feet required; 16 feet exist.
- NE 7th Avenue & NE 3rd Street Intersection: 25-foot radius.

Pursuant to **Land Development Regulation (LDR) Section 5.3.1**, *right-of-way dimensions and dedications shall be consistent with Table MBL-1 "Street Network and Classification and Improvements" of the Mobility Element.*

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

REQUEST:

Pursuant to LDR Section 4.4.6(F), single family residence within the RM zoning district will be subject to the R-1-A zoning regulations. Pursuant to LDR Section 4.3.4(K), Development Standards Matrix, **properties located within the R-1-A zoning, require a 25-foot front setback and a 10-foot rear setback.**

The applicant is requesting administrative relief to:

- reduce the front setback to 20 feet, whereas 25 feet is required; and,
- reduce the rear setback to eight feet, whereas 10 feet is required.

R-1-A DEVELOPMENT STANDARDS			
SETBACKS	REQUIRED	PROPOSED	RELIEF
Front:	25 feet	20 feet	5 feet
Side Street	15 feet	15 feet	---
Side Interior	7.5 feet	7.5 feet	---
Rear	10 feet	8 feet	2 feet

The requested relief is consistent with the amount of land required for the right-of-way dedications.

It is important to note that in the RM zoning district, the front setback for either a duplex or multi-family structures is also 25 feet – up to 2-stories; a third story is required to be setback 30 feet. The rear setback, however, is 25 feet for both duplex and multi-family structures.

STAFF REVIEW:

Pursuant to **LDR Section 2.1.2(B), The Development Services Management Group (DSMG)** has the authority to grant administrative relief to *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.*

Currently, the structure on the subject property is set back approximately 29 feet from NE 7th Avenue. The request would place the new single-family residence at a 25-foot front setback from the current property line/right-of-way, resulting in a 20-foot front setback.

Staff conducted an analysis of the current right of way widths of NE 7th Avenue, south and north of NE 3rd Street, in relation to the current setback distance of the structures (See attached). On the eastern side of NE 7th Avenue, there has not been any redevelopment that prompted a right-of-way dedication. The building setbacks of the properties north of the subject property range between 20 and 33 feet. When applying the same 5-foot dedications to the properties to the north, the setbacks will range between 15 and 28 feet.

On the western side of NE 7th Avenue, the corner property (302 NE 7th Avenue) dedicated 5 feet; the townhomes at 318 – 330 NE 7th Avenue (built in 2016) also dedicated 5 feet. The property at 302 NE 7th Avenue is an individually designated property (The Hartman House) and is legally non-conforming to the front setback. The townhomes are setback approximately 28 feet from the right-of-way and are conforming to the RM front setbacks.

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.*

APPLICANT JUSTIFICATION:

The applicant's request is provided as an attachment.

REVIEW PROCESS:

If the request is approved, the building permit review process may proceed if the plans are consistent with the outcome of the request. Compliance with any other applicable regulations not related to or impacted by the subject request is also required.

If the request is denied, an appeal can be requested by the applicant that will be considered by the City Commission for a final determination.





