



April 15, 2025

**402 Palm Trail
Waiver Requests – Setback Reduction & Right-of-Way Reduction
Revised Narrative/Justification Letter**

This revised Narrative Letter associated with the Waiver Application is respectfully submitted on behalf of 402 Palm Trail, LLC for the property located at 402 Palm Trail, Delray Beach, FL 33483 (Palm Beach County Property Control Number: 12-43-46-09-31-000-0260). The property is situated at the northwest corner of NE 4th Street and Palm Trail.

Background/Development Proposal:

The 0.31-acre (13,504 sf.) property located at 402 Palm Trail, Delray Beach, FL 33483 (Palm Beach County Property Control Number: 12-43-46-09-31-000-0260) is currently vacant. The property previously contained a single family residence and guest cottage, which were recently demolished via permit number 24-00220999.

The property has a Land Use Map designation of LD (Low Density Residential 0-5 du/ac) and is zoned R-1-AA (Single Family Residential).

On March 5, 1996, the City Commission approved Resolution No. 19-96 abandoning the east 1.5' of the alley abutting the subject property as a portion of the previously existing guest cottage and carport encroached into the alley.

The proposal is to construct a 6,161 sf. 2-story single family home with a 3-car garage and swimming pool. The proposal includes the 5' right-of-way dedication along Palm Trail to increase the right-of-way width from 40' to 50' with the required 25' radii at the southeast corner of the property at the intersection of Palm Trail and NE 4th Street, per LDR Sections 5.3.1(A)(3) and 6.1.2(C)(2).

In addition, the proposal includes the following waiver request:

- Adjustment to the front building setback from 30' to 25'.

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-AA setback requirements are the following:

| R-1-AA DEVELOPMENT STANDARDS | | | |
|------------------------------|----------|----------|--------|
| SETBACKS | REQUIRED | PROVIDED | RELIEF |
| Front: | 30' | 25' | 5' |
| Side Street: | 15' | 15' | -- |
| Side Interior: | 10' | 10' | -- |
| Rear: | 10' | 13' | -- |

It is noted, the proposed swimming pool complies with the minimum 10' pool setback requirements per LDR Section 4.6.15.

The request is to adjust/reduce the Front Building Setback requirement from 30' to 25' 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 at the northwest corner of NE 4th Street and Palm Trail and is 100' wide x 136.5' deep (13,504 sf.). As stated, a right-of-way dedication of 5' will be provided along Palm Trail and a 25' radius at the intersection of NE 4th Street and Palm Trail. With the right-of-way dedications, the new lot depth will be 131.5' and ~700 sf. of land area will be dedicated for right-of-way purposes.

The proposal is to construct a 6,161 sf. 2-story single family home with a 3-car garage and swimming pool. The request to adjust the front building setback requirement results from the 5' right-of-way dedication requirement along Palm Trail. The applicant has committed to dedicating the required right-of-way and respectfully requests the setback reduction. 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 Palm Trail streetscape and the surrounding neighborhood.

Regarding Palm Trail, there are circumstances where homes have not provided the 5' right-of-way dedication and maintained a 30' setback, while in other circumstances variances or adjustments were granted to reduce the building setback from 30' to 25'. The proposal to dedicate the 5' of right-of-way and allow a front setback adjustment to 25' will result in the same building placement while also maintaining the Palm Trail streetscape.




Given the circumstances particular to the property and the area, 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).

Should you have any questions, please contact me at 561.573.1486 or jcostello@jcplanningsolutions.com.

Thank you for your consideration.

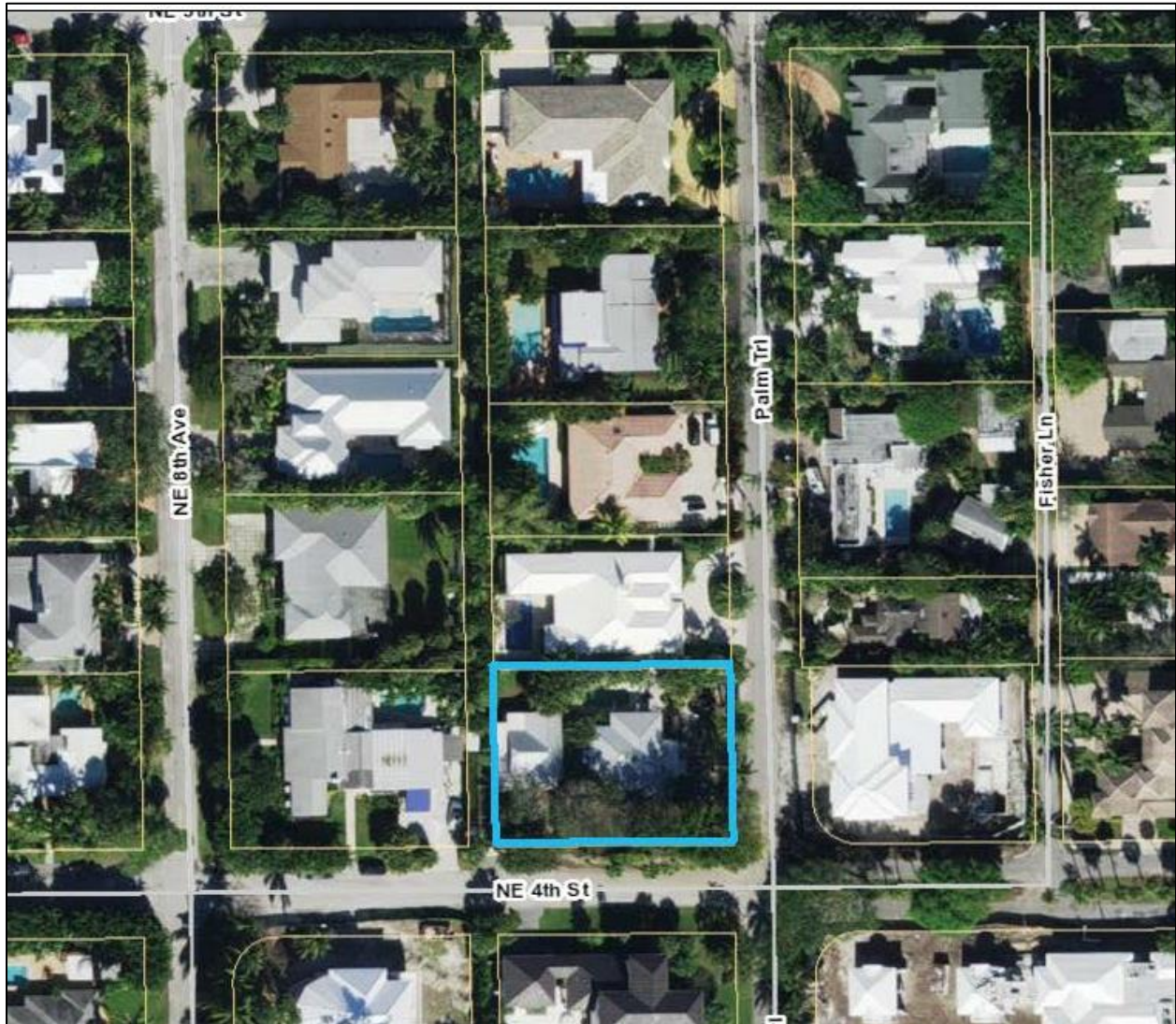
Sincerely,



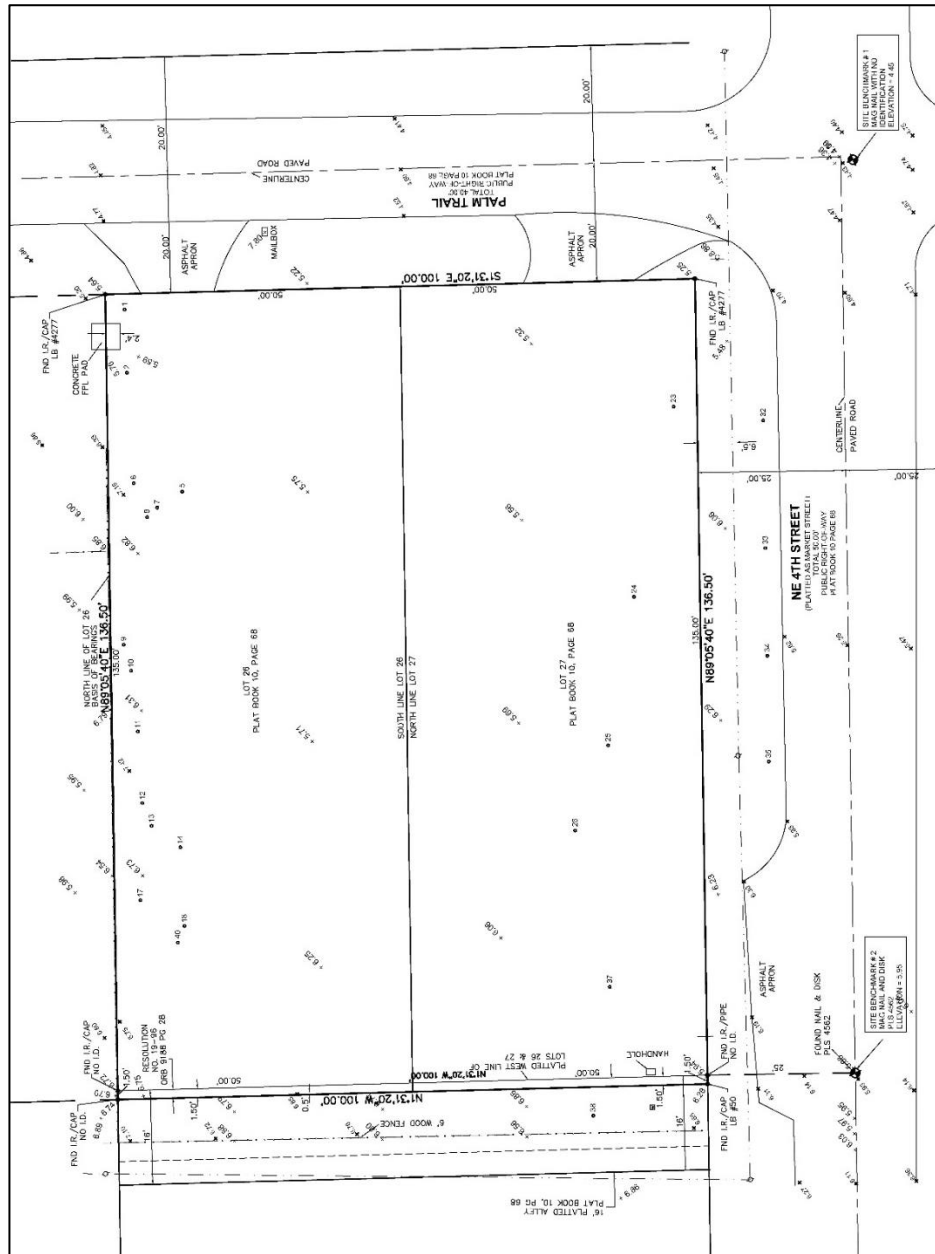
Jeffrey A. Costello, AICP, FRA-RP, Principal
JC Planning Solutions, LLC



LOCATION MAP



SURVEY



SITE PLAN

