



BENNARDO LAW GROUP, P.A.
EXPERTISE IN REAL ESTATE | STRATEGIC BUSINESS PLANNING

November 7, 2025

**NOTICE OF APPEAL TO
DEVELOPMENT SERVICES MANAGEMENT GROUP**

City of Delray Beach
Planning and Zoning Department
100 NW 1st Avenue
Delray Beach, Florida 33444

Re: *Appeal of Zoning Interpretation dated November 4, 2025*
814 SE 2nd Avenue, Delray Beach, Florida 33444 (12-43-46-21-01-0014-0070)

Dear Sir/Madam:

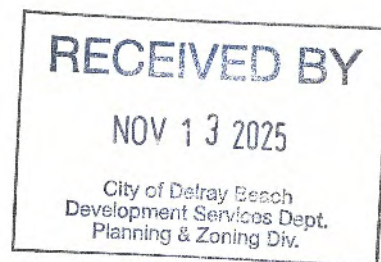
Pursuant to LDR 2.1.2(B)(3)(b).2, this shall serve as **notice of appeal and request for a hearing** before the Development Services Management Group for review and the appeal of the attached Zoning Interpretation of the above property, dated November 4, 2025.

KM One, LLC, the property owner, is the applicant by and through its counsel, the undersigned. We request to be on the next available DSMG agenda for this appeal. Please advise of any required fee to be paid.

Sincerely,

Cristofer A. Bennardo

cc: KM One, LLC





CITY OF DELRAY BEACH
DEPARTMENT OF DEVELOPMENT SERVICES
100 N.W. 1ST AVENUE • DELRAY BEACH • FLORIDA 33444 • (561) 243-7040



November 4, 2025

Christopher Bennardo
Bennardo Law Group, P.A.
3837 NW Boca Raton, Blvd., Ste. 200
Boca Raton, FL 33431

RE: 814 SE 2nd Avenue (PCN: 12-43-46-21-01-0014-0070)

Dear Mr. Bennardo,

This letter is in response to the "zoning interpretation" request for the property located at **814 SE 2nd Avenue**. Staff has reviewed the "background and analysis" provided in the request with the following response:

The subject property (Lot 7), is within the R-1-A single-family residential zoning district and has frontage along SE 2nd Avenue, abuts Lot 8 to the south, and abuts an unimproved alley to the north and west. Without a survey, the existing lot dimensions cannot be confirmed. However, the Osceola Park Plat, recorded in 1913 in Plat Book 3, Page 2, indicates a platted width of 50 feet, with a depth of 132.5 feet.

If the subject property consists of Lot 7 in its original configuration, then it would be considered a lot of record. Pursuant to Land Development Regulations (LDR) Section 4.1.4, *"any lot, or parcel, which qualifies as a lot of record as set forth in these Regulations, but which does not comply with respect to minimum lot area and minimum lot dimensions specified for the zoning district in which it is located, may nevertheless be used (for purposes as allowed in that zoning district), as long as it complies with all other requirements of that zoning district, subject to certain limitations."* If the lot does not comply with the minimum required dimensions for the R-1-A zoning district, it can still be developed with a single-family residence if it has at least 50 feet of lot frontage, per LDR Section 4.1.4(B).

Lots of record having less than 50 feet of lot frontage, but at least 40 feet, *"may be used for Workforce Housing, as long as the workforce housing unit meets the typical designs represented by the sketches set forth in LDR Section 4.7.8, the lot is a minimum of 4,000 square feet and conforms to setbacks."*

Pursuant to Appendix A, an "alley" is defined as a *"roadway which provides a secondary means of access to abutting properties and not intended for general traffic circulation use by pedestrians or vehicles."* Additionally, alleys are identified in Table MBL-1, Street Network Classification and Improvements, of the Always Delray Comprehensive Plan as a "Local" street.

The alleys to the north and west are currently unimproved but may be improved in future City capital improvement plans. By definition, alleys are intended for pedestrian and vehicular use as a secondary means of access. Further, alleys are classified as a local street in the Always Delray Comprehensive Plan and multiple Comprehensive Plan policies direct the city to protect and enhance the alley network (Objective MBL 2.6, Policy MBL 2.6.1, 2.6.2, 2.6.3, 3.2.3, etc.)

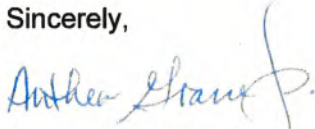
Therefore, a strict interpretation of the LDR would classify the alley along the north side of the lot as a street, thereby requiring a Side Street setback of 15 feet. However, given the context of the lot and block, the appropriate setback application would be the 10 feet rear setback from both alleys. 10 feet ensures an appropriate building setback from a planned vehicular travel way. As a result of the approved three-foot setback reduction granted by Development Services Management Group (DSMG) on February 13, 2025, the minimum setback from the north property line is seven feet.

In summary, the setback requirements for Lot 7 are as follows:

East	Front Setback	25 feet	Measured from the lot line that abuts SE 2 nd Avenue.
South	Interior Side	7.5 feet	Measured from the south property line, which abuts another lot (Lot 8) thereby classifying it as a side interior lot line.
West	Rear Setback	10 feet	Measured from the west property line, abutting an alley
North	Adjusted Setback	7 feet	Measured from the north property line, abutting an alley.

Should you have any further questions, please contact the Development Services Department at (561) 243-7040.

Sincerely,



Anthea Gianniotis, AICP
Development Services Director

AG/ar

Enclosures:

- February 13, 2025 DSMG Result Letter
- [LDR Section 4.3.4\(K\), Development Standards Matrix](#)
- [LDR Section 4.4.13, Central Business District \(CBD\)](#)

Disclaimer: Please be advised that a zoning verification letter is based solely on the subject request, on information available in the City's records and represents the status of the subject use and zoned lot as of the day the letter is issued. Any subsequent changes to the zoned property or use, or changes that occurred with no record contained in the City's file are not reflected. The Development Services Department assumes no liability for errors and omissions. All information is obtained from public records and the City of Delray Beach Land Development Regulations (LDR). A zoning verification letter does not constitute a development or use approval.