CITY OF DELRAY BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

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Delray Beach Florida
All-America City
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TO: Development Services Management Group (DSMG)

FROM: Anthea Gianniotes, AICP, Development Services Director

DATE: December 11, 2025

REQUEST: Consideration of an Appeal of Land Development Regulations Interpretation

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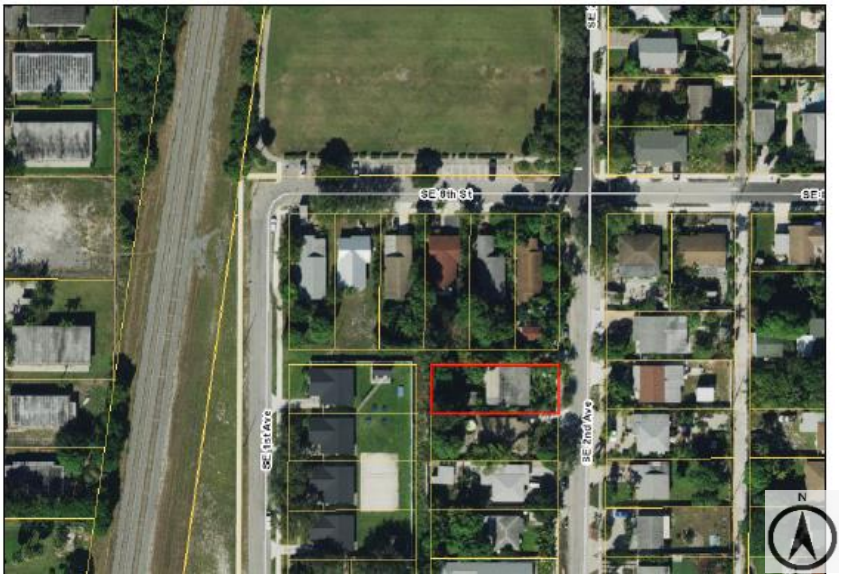
PROPERTY INFORMATION

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

Zoning:
Single-Family Residential (R-1-A);

Prior Use:
Single-Family Residence, ca. 1954

Proposed Use:
Single-Family Residence



BACKGROUND:
The request is associated with the redevelopment of the subject property. The original structure, built in 1954 is still on-site; however, the intent is to redevelop the property with a new residence.

On December 12, 2024, a pre-application meeting was held for the subject property, and the applicant was informed that the required Right-of-Way (ROW) width for the alley on the north side of the project is 20'. The current ROW width is 14', thereby requiring a dedication of 3' for the alley ROW.

On February 13, 2025, the owner requested DSMG reduce the required Right-of-Way width from 20' to 17' adjacent to the property, essentially eliminating the required 3' dedication. The DSMG denied the request and, pursuant to LDR Section 2.1.2(B) (3)(b)1.c., granted a 3' relief to the minimum setback.

On October 8, 2025, Mr. Bernardo submitted a letter requesting a zoning interpretation for the property, including a determination that the lot be considered an "Interior" lot, thereby applying a 7.5' setback to both sides of the lot.

On November 4, 2025, I provided an analysis of the site and determined the lot lines adjoining both alleys should have the rear setback applied (attached). And the 3' of relief should be applied, resulting in a 7' setback from the north lot line.

On November 7, 2025, Mr. Bernardo submitted a request for an appeal of the adjusted setback I determined (attached).

ANALYSIS

The LDR provides Front, Interior Side, Side Street, and Rear Setbacks. Setbacks from alleys are specifically directed to use rear setbacks in the Central Business District, but the code is less clear in other zoning districts. Alleys generally occur in the rear of lots, but in this case, the lot is bordered on two sides with unimproved alleys.

In my opinion, applying a Side Street setback of 15' is too great for an alley, which by definition provides a secondary means of access. Given the context of the lot and block structure, a 15' setback on the side is too great. An "Interior Side Lot Line" is generally accepted as a lot line separating two adjoining lots and, therefore, does not apply to the north lot line. Further, applying the interior setback of 7.5' along an alley, and then further reducing it to 4.5' along a future vehicular ROW leaves too little room adjoining a vehicular travelway.

It is important to note, a setback of less than 5' for a single family detached house affects the application of the Florida Building Code, limiting windows and doors and increasing requirements related to fire suppression. Less than 5' also limits space for roof eaves, A/C compressors, generators, etc.

LDR Section 2.1.2(B)(3)(b)1.c. provides DSMG with the authority to grant, "*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*."

FINDINGS

LDR Section 2.4.11(D)(5), *Findings*, *Prior to granting administrative relief, the administrative official or body shall find:*

(a) That the relief sought is consistent with the specific authorization provided for in these regulations;
(b) That the intent of the affected regulation is preserved;
(c) That the action will not be detrimental to the public health, safety, or welfare; and,
(d) The relief is consistent with the established character of the surrounding neighborhood.

As this is an appeal of my interpretation of the LDR, I will not vote on the decision of the Appeal.