

121 SE 7th Street, Delray Beach
Administrative Relief – Front Yard Setback
Justification Statement

PROJECT DESCRIPTION

The subject property is currently developed with a one-story single-family home of approximately 1362 square feet which was built in 2007, and includes 3 bedrooms and 2 baths. The current owners purchased the property in 2020 and recently decided to redevelop the property. The proposed new home is two-stories with approximately 3544 square feet of air conditioned space and a total floor area of 4298 including garage and covered patio, along with site improvements including a swimming pool.

Plans were prepared for the redevelopment and submitted to the City of Delray Beach for building permits. During the permitting process the city commented that a dedication of 5' of right-of-way was required for SE 7th Street and a corner clip radius at the intersection with SE 2nd Avenue. The documents were prepared for the dedication, approved by the City and the property owner, and were recorded in the public records thus dedicating the additional right-of-way required by the City (see recorded ROW Deed attached).

The dedication of the 5' of right-of-way to the City effectively reduced the front setback from the required 25' in the R-1-A zoning district and as it was designed in the permit-set of plans, to 20.21' setback shown on the plot plan. Based on direction from the City Staff to address the setback reduction Administrative Relief must be approved before the building permit can be issued. This application and this justification statement requests that Administrative Relief of 4.79' in accordance with the provisions of the City's land development regulations.

ADMINISTRATIVE RELIEF

In accordance with City of Delray Beach Land Development Regulations *Section 2.1.2. Review Authority*, the Development Services Management Group (DSMG) can take action on "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." As noted above, the right-of-way dedicated was 5' along 7th Street resulting in a setback of 20.21' and the need for relief in the amount of 4.79'.

Section 2.4.11. Relief, includes required findings for the administrative relief including the following:

- (a) That the relief sought is consistent with the specific authorization provided for in these regulations;

Response: The relief sought is 4.79' which is less than the maximum relief allowed, less than the 5' of setback and less than the 5' dedication so this application is consistent with the requirements in Section 2.1.2.

- (b) That the intent of the affected regulation is preserved;

Response: The primary intent for front yard setbacks on single-family homes is to ensure public safety, improve neighborhood aesthetics, provide space for utilities, space for parking, and maintain a consistent, orderly streetscape. The proposal for this Administrative Relief will have no impact on the intent of the regulations since there is no change to the proposed physical improvements. The distance from the front of the house to the roadway and public improvements will not be affected, the amount of green space will not be affected, and although there is less private space for driveway parking, there actual amount of space will not be affected.

- (c) That the action will not be detrimental to the public health, safety, or welfare; and,

Response: This is a minor deviation from the established requirement and will have no impact on the function of the front yard space or impact any neighboring property, and provides the required public right-of-way dedication to the City to benefit public health, safety and welfare.

- (d) The relief is consistent with the established character of the surrounding neighborhood.

Response: The subject site is located on the north side of SE 7th Street which is a dead end street to the west, there is a park to the south and four residences to the west. The proposed setback is consistent with the two houses to the immediate west and the last two homes are slightly closer to the street. As such the proposal would result in a character consistent with the existing.

With consideration to the above, included in this application is the architectural site plan showing the site before the dedication, the sketch and legal description of the dedication, and the surveyors plot plan showing the layout of the proposed home with the dedication completed.