



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: Jennifer Buce, Planner

DATE: May 22, 2025

REQUEST: Consideration of a request to reduce the front setback from the minimum requirement of 25 feet to 20 feet associated with redevelopment of the property located at **840 Denery Lane**.

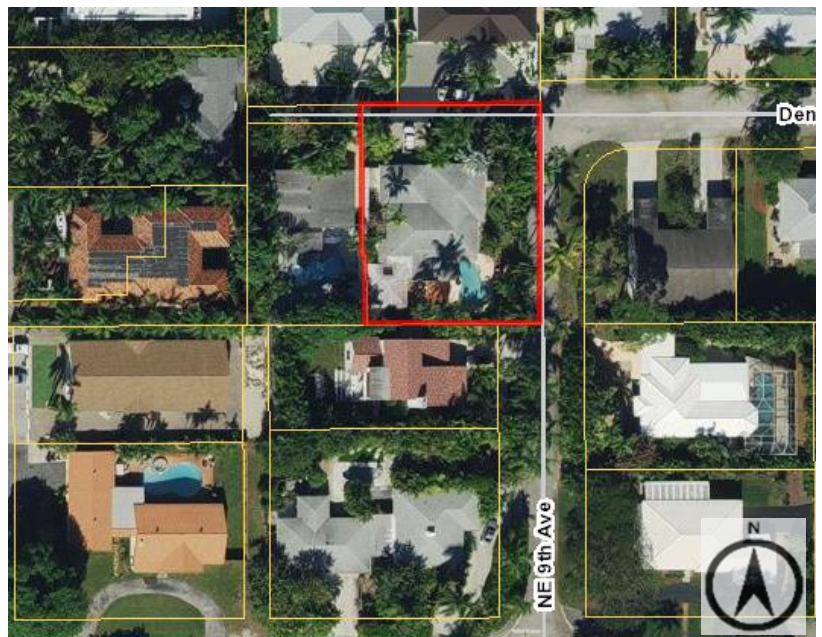
PROPERTY INFORMATION

PCN: 12-43-46-09-12-000-0060

Zoning:
Low Density Residential (RL)

Prior Use:
Single-Family Residence, ca. 1958

Proposed Use:
Single-Family Residence



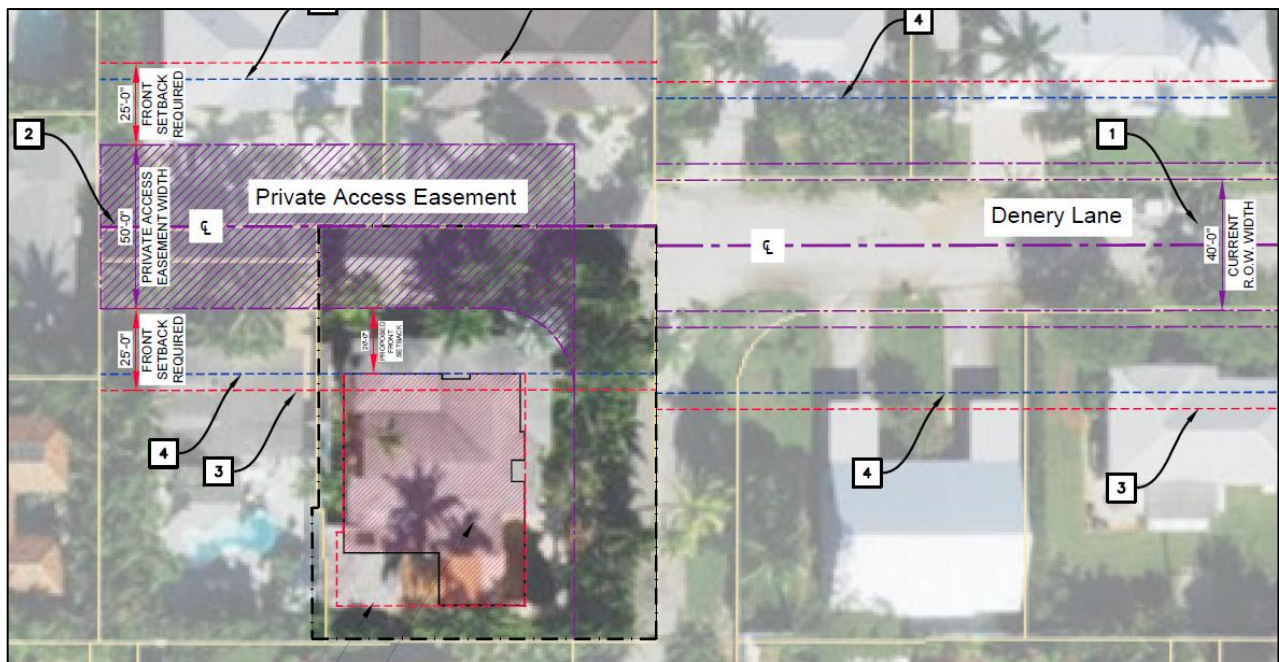
BACKGROUND:

The request is associated with the redevelopment of the property. The original structure, built in 1958, will be demolished and replaced with a new single-family residence. The subject property is located along NE 9th Avenue. The non-platted portion of Denery Lane runs through the north area of the subject property and provides access to three properties, each containing a single-family residence.

The subject property, which runs along the west side of NE 9th Avenue, was created by a metes and bounds description of Lot 5 of the 1924 Subdivision of Property of Harry Seemiller. The 1925 subdivision did not establish any public rights of way. In 1952, the Denery Lane Plat, a replat of a portion of the aforementioned Lot 5, established NE 9th Avenue at a 25-foot width and Denery Lane at a 40-foot width, within the bounds of the plat area. A portion of developed properties from Lot 5 remain established by metes and bounds, as opposed to being formally established through a plat. As a result, no additional right of way has been provided to NE 9th Avenue adjacent to the subject property, and the extension of Denery Lane past NE 9th Avenue runs through private property. Given the redevelopment of the subject property, an access easement agreement granting access to the four homes at the private portion of Denery Lane is required.

LDR Section 5.3.1(A), Right-of-way Dimensions and Dedication required. *Right-of-way dimensions and dedications, whether public or private, shall be consistent with Table MBL-1 "Street Network and Classification and Improvements" of the Mobility Element, providing for coordinated rights-of-way dedications with the Florida*

Department of Transportation and Palm Beach County. Furthermore, **LDR Section 5.3.1(A)(3)**, when development is adjacent to an existing or planned street, the development shall be responsible for providing one-half of the ultimate right-of-way or such portion of the ultimate right-of-way which is yet undedicated and which is on that development's side of the ultimate right-of-way center line. In situations where there are unusual topographic features, greater or lesser dedications may be required. Table MBL-1 specifies 50 feet as the required ultimate right-of-way width for other streets without curb and gutter. Given that a width of 50 feet is required for NE 9th Avenue and 25 feet, half of the ultimate right of way, was provided by the 1952 Denery Lane Plat, a 25-foot right-of-way dedication will be required as part of the permitting process. Further, the required access easement, where Denery Lane extends and acts as a private street, will extend 25 feet into the subject property to provide half the required width of 50 feet.



REQUEST:

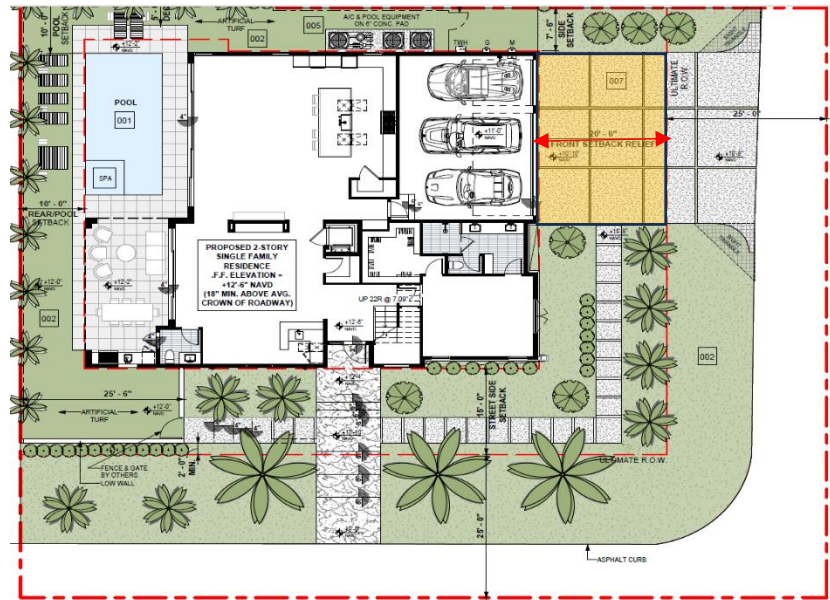
Pursuant to **LDR Section 4.4.5(B)(2) – Low Density Residential (RL) District; Principal Structures** allows for *Single Family detached dwellings*. In the RL zoning district, single family residences are subject to the development standards applicable to the R-1-A zoning district. The front setback for the R-1-A zoning district is 25 feet.

The request is to reduce the front setback from the minimum requirement of 25 feet to 20 feet associated with redevelopment of the property. Pursuant to **LDR Appendix A, Definitions**, *setbacks shall be measured from the right-of-way line for public streets, and from the access easement line for private streets.* Given that the access easement acts as a private street and the north side of the property being the shortest side of the property, the front of the property runs along the private portion of Denery Lane. Therefore, the reduced right-of-way, if granted, will be located along Denery Lane, while the minimum setback along NE 9th Avenue is 15 feet, as it is considered a side-street setback. This configuration is consistent with the property across NE 9th Avenue, where the structure fronts onto Denery Lane.

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.

The access easement provided for the north portion of the property will provide 25 feet towards a private right of way. The applicant is requesting a five-foot reduction in the minimum required 25-foot building setback.



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.

APPLICANT JUSTIFICATION

The applicant's request is provided as an attachment.

REVIEW PROCESS

If the request is approved and no other relief is requested, the access easement agreement must be approved by the City Commission and recorded prior to the submittal of a building permit application.

If the request is denied, the plans must reflect the minimum required building setback of 25 feet or an appeal can be requested in accordance with LDR Article 2.5, Appeals. Appeals of the DSMG are considered by the City Commission for final determination.