

**302 SE 4TH STREET, DELRAY BEACH**  
**Waiver Justification Statement**

This justification statement is respectfully submitted to provide a project description and background, along with analysis related to an Affordability Waiver for the property located at 302 SE 4th Street, Delray Beach PCN 12-43-46-21-01-004-0010. The subject site is currently one (1) PCN and two (2) platted lots of record and as such approval of the Affordability Waiver will enable creation of two (2) PCN's utilizing the two (2) existing lots of record for market-rate housing construction.

**PROJECT DESCRIPTION**

The property at 302 SE 4th Street is located at the corner of SE 4th Street and SE 3rd Avenue in Delray Beach, in an R-1-A zoning district, and includes an existing single-family home that was constructed in 1948 and contains a total gross square footage of 1,431 according to the Palm Beach County Property Appraiser. The parcel consists of two platted lots of record in the Osceola Park Plat, lots 1 and 2 of Block 4. Lot 1 has 46.8' of frontage on SE 4<sup>th</sup> Street and 130.30' of frontage on SE 3<sup>rd</sup> Avenue and with a minimum required 50' of frontage, Lot 1 does not need a waiver. However, Lot 2 has 46.8' of frontage on SE 4<sup>th</sup> Street which is less than the required 50' and does need a waiver from the affordability provisions per LDR Section 4.1.4.

The proposed project will create two (2) tax parcels consistent with the configuration of the two platted lots of record, both of which fronting SE 4th Street. Both lots will be approximately 130.30' deep and 46.8' wide. This request is a waiver from the affordability provisions of Section 4.1.4 for Lot 2, Block 4 of the Osceola Park Plat. Except for the minimum lot width requirement, the lots comply with all other area and dimensional requirements.

**WAIVER REQUESTS**

In accordance with LDR Section 2.4.7 a waiver involves the granting of partial or total relief from a specific development regulation. In this case, the proposed lot split requests a waiver from affordability restriction. As provided in LDR Section 2.4.7(B)(5), 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;

**Response:** The proposed waiver is for the affordability restriction only and will result in the demolition of the existing home and construction of two (2) new single-family homes which will be designed and constructed in accordance with all City of Delray Beach land development regulations. The proposed lot width for Lot 2 is within the range of existing lot widths for the neighborhood and will be compatible with the existing neighborhood character. On the same block, the two homes to the immediate East are an identical size and not subject to an affordability restriction. The four lots to the immediate South are of an identical size; one home is subject to an affordability restriction through the Delray

Beach Community Land Trust. The homes that face SE 4th Avenue are also of an identical size but differing dimensions, and are not subject to an affordability restriction. There is a mix of homes at market rate and with an affordability restriction on the same block. As such this waiver will not adversely affect the neighboring area.

- (b) Shall not significantly diminish the provision of public facilities;

**Response:** The proposal will result in a net increase of one (1) single-family home. Impacts to public facilities and service will be de minimus, and will be off-set through the payment of permit fees and impact fees designed to ensure that the public services and facilities are in place to accommodate new development. Consequently, the waiver will not significantly diminish the provision of public facilities.

- (c) Shall create an unsafe situation; and,

**Response:** The proposed waiver will enable the applicant to sell the both homes for a price higher than allowable by the affordability restriction and construction will be in compliance with all other applicable development and construction regulations. As such approval of the waiver will not create an unsafe situation.

- (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.

**Response:** If other similar applications under similar circumstances complied with the other criteria for granting a waiver such as this property does as demonstrated above, a waiver would also be granted for that other property. Consequently, this does not result in granting of a special privilege.