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January 2, 2020

Amy E. Alvarez, AICP
Senior Planner
Department of Planning and Zoning
City of Delray Beach
100 NW 1st Avenue
Delray Beach, Florida 33444

Re: Plat Application for the Lake Ida Gardens Plat ("Plat")
Request for Waiver pursuant to LDR Sec. 2.4.7(B)(5)

Dear Ms. Alvarez:

This firm represents the applicant for the above Plat. In support of the Plat application, please consider this a request for a waiver of the lot size and lot depth requirements for the proposed Lot 1, and the lot depth requirements of the proposed Lot 2, as set forth in LDR Section 4.3.4(K).

The land subject to this plat application is currently un-platted. The Land Development Regulations ("LDR") requires the platting of this land for any construction of a residence. The proposed plat is for two (2) lots. The newly created two lots would meet both minimum lots size and lot depth requirements but for the application of the LDR's right-of-way dedication requirements along NE 17th Street. The application of the dedication requirements are only applicable to the proposed lots due to the loss of the current non-conformity and platting process necessary. The newly applied dedication requirements of an additional 5' along NE 17th Street results in: (a) Lot 1 not meeting the minimum lot size and lot depth requirement, and (b) Lot 2 not meeting the minimum lot width requirement.

No action of the landowner has brought the need of the waiver. The required right of way is well in excess of the current available right of way on each lot as it currently exists on the block and along NE 17th Street. In fact, if the dedication requirement were to be applied to the other lots on the subject property's block, most if not all of the lots would also fail to meet the depth requirement and/or the depth requirement. The dedication requirement therefore creates an unintended non-conformity on the residential block and thwarts the LDR's intended purpose, rendering the subject lots as "unbuildable". It is therefore necessary and appropriate to grant the waiver and create the non-conformity.

Each of the requirements for a waiver under LDR Sec. 2.4.7(B)(5) are met:

1. ***The waiver does not adversely affect the neighboring area.*** The grant of a waiver will not adversely affect the neighboring area. In fact, the waiver will allow this lot to conform to the neighboring area.

The waiver will allow the unplatted land in the residential district to become two lots of record and allow the construction of two single-family homes in conformity of size to the neighborhood around it.

2. ***The waiver will not significantly diminish the provision of public facilities.*** The permitted use for the proposed lots, as developed, is for two single family homes of a size equivalent to those in the neighborhood. There is no unreasonable demand of public utilities in any form.
3. ***The waiver does not create an unsafe situation.*** Allowing the waiver will permit this lot to fall in conformity with those lots already of equal size on the same street. There is no unsafe situation resulting from the construction of two single family homes on the lot. The current condition of the unplatted land is that of a vacant and delapidated structure unfit for inhabitation. Its history is that of a location for crime and unsafe behavior. The waiver will actually *inhibit* an already unsafe situation at the subject plot of land. The waiver and resulting Plat approval will allow the construction of two single family homes.
4. ***The waiver will 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.*** Again, the waiver requests the same privilege which is already provided to each of the exiting five (5) other lots along NE 17th Street. Each existing lot, if subject to the current right of way dedication requirement, would require the same waiver as this lot to conform to the LDR, as the depth requirement would not be met.

In sum, a waiver is both necessary and proper for the proposed Plat. The waiver will allow the proposed use of this lot to conform to those in the neighborhood.

The applicant respectfully requests waiver of the lot size and lot depth requirements for the proposed Lot 1, and the lot depth requirements of the proposed Lot 2, as set forth in LDR Section 4.3.4(K).

Very truly yours,



Cristofer A. Benardo