



## Cover Memorandum/Staff Report

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**File #:** 20-862

**Agenda Date:** 11/10/2020

**Item #:** 7.B.

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**TO:** Mayor and Commissioners  
**FROM:** Anthea Gianniotis, Development Services Director  
**THROUGH:** Jennifer Alvarez, Interim City Manager  
**DATE:** November 10, 2020

RESOLUTION NO. 170-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING A WAIVER REQUEST TO SECTIONS 4.1.4(B) AND (D) OF THE LAND DEVELOPMENT REGULATIONS TO ALLOW FOR THE CONSTRUCTION OF A SINGLE-FAMILY NON-WORKFORCE HOUSING STRUCTURE FOR THE PROPERTY LOCATED AT 822 N. LAKE AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Recommended Action:**

Review and consider Resolution No. 170-20 for a waiver to the Land Development Regulations (LDR) Section 4.1.4(B) to allow for the construction of a non-workforce residential structure on a lot with a frontage of less than 50 feet.

**Background:**

The subject property, located at 822 N. Lake Avenue, is a Lot of Record described as Lot 12, and the North 8 feet of abandoned alley lying South of and adjacent to said Lot 12, Block D, La-Hacienda, (Plat Book 15, Page 6 of the Palm Beach County Public Records). The existing property measures 158.09 feet deep and has a frontage and width of 49.89 feet (based on the survey dated January 17, 2020) and is 0.1792 acres (7,760.6381 sq. ft). The property is located in the La Hacienda neighborhood and is zoned Low Density Residential (RL). The property currently contains a 1,908 sq. ft., one-story residence built in 1926.

The La Hacienda Neighborhood consists of a mixture of older housing stock. The existing structures throughout the neighborhood were constructed before 1965. A majority of the existing lots have remained in the original plat configuration from 1926, however, a few lots have been combined over time. Based on the original plat from October 23, 1926, a vast majority of the lots throughout the La Hacienda neighborhood were platted lots with 50 feet in lot frontage and width. Specifically, the subject property (Lot 12) was platted 50 feet wide by 150 feet deep. According to the most recent survey from January 17, 2020, the subject property's lot frontage and width is 49.89 feet, which is 0.11 feet less than the required 50 feet of lot frontage. In 1994, with the adoption of LDR Section 4.1.4(B), the construction of a residential structure on any lot, within a residential zoning district, was restricted to lots with a minimum frontage of 50 feet.

One of the visions included in the adopted 1999 North Federal Highway Redevelopment Plan is to improve the physical appearance of the neighborhood through enhanced police activity, code enforcement and beautification.

**Waiver Analysis:**

Pursuant to LDR Section 4.1.4(B), a residential structure shall not be constructed on any lot, within a residential zoning district, which has frontage of less than 50 feet. LDR Section 4.1.4(D), adjusts this regulation for legal lots of record with at least 40 feet of frontage in the R-1-A, RL and RM zoning districts for the express purpose of workforce housing. The request is to maintain the property in its original plat configuration for the construction of a non-workforce housing residential structure. Pursuant to LDR Section 2.4.7(B)(5), prior to granting a waiver, the approving body shall make a finding that the granting of the waiver:

(a) Shall not adversely affect the neighboring area;

The La Hacienda neighborhood consists of single-family residences with a variety of architectural styles constructed on lots of record (or combinations of lots of record) ranging from 50 feet to 175 feet wide. Presently, some of the properties have been combined or reoriented, which enlarged the lot frontage dimension of some lots; however, a majority of the lots remain with the same platted frontage of 50 feet. Therefore, the granting of this waiver will maintain a development pattern that is consistent with the existing lot pattern and would not adversely affect the neighboring area.

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

If granted, the waiver would not have an effect on the provision of public facilities; the intended use is one single-family house.

(c) Shall not create an unsafe situation; and

The proposal is to replace the aged residential structure with a new non-workforce residential structure that will conform to all other requirements of LDRs and the current Florida Building Code.

(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.

Allowing smaller, infill lots to be developed with market rate or workforce housing units will eliminate vacant lots, improve the streetscape, and increase values within the respective neighborhoods. The development of smaller, infill lots as market rate, rather than workforce housing, still meets one of the key goals of the Housing Element of the Comprehensive Plan, "Promote the supply of high-quality housing that accommodates the needs, preferences, and financial resources of existing and future residents." If granted, the residential structure would not be considered a special privilege as a similar waiver has been approved in the Osceola Park neighborhood and the waiver allows for the infill development consistent with the character of an established neighborhood.

The applicant's justification letter is included as an attachment.

**City Attorney Review:**

Approved as to form and legal sufficiency.

**Funding Source/Financial Impact:**

N/A

**Timing of Request:**

N/A