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May 3, 2021

Anthea Gianniottes
Director, Planning and Zoning Department
City of Delray Beach
100 N.W. 1st Avenue
Delray Beach, FL 33444

In Re: Application for Variance /
626 S.E. 4th Avenue

Dear Ms. Gianniottes:

Purpose of this letter is to set forth the justifications for the granting of a variance for the placement of a Tiki Hut in the setback area of a single family residence located at 626 S.E. 4th Avenue, Delray Beach, Florida.

This application is the result of an action by the Code Enforcement Division of the City of Delray Beach.

In November 2019, the owner of the property ("Owner") contracted for the construction of a Tiki Hut on the Property. Owner engaged by a company called "Seminole Tiki Hut". This company is certified with the Seminole Tribe of Florida, and, as such is a Tiki Hut which is exempt from the payment of all permit fees related to the issuance of a construction permit.

A survey of the property was provided to the Tiki Hut company at the commencement of the project.

Owner acknowledges that a permit was required for the construction of the Tiki Hut. Owner was advised by the Company that they would get all the permits necessary (as contractors generally do). The contractor was hired based on the fact that contractor had been in business for over 25 years, was an enrolled member of the Seminole Tribe of Florida, and had a significant background in the construction of Tiki Huts. The Company was supposed to obtain all the necessary permits.

Because no fee was collected for the issuance of the building permit (as stated, no fee was due), Owner had no knowledge that the contractor had not secured a building permit prior to the construction of the Tiki Hut. Owner is seeking relief from the setback requirement in order to retain the Tiki Hut in its current location.

As stated, contractor was responsible for the issuance of the permit to construct the Tiki Hut and Owner had no knowledge that the permit had not been obtained until the Owner received a notification from the City of Delray Beach that the Tiki Hut, as constructed, violated the setback rules of the Land Development Regulations.

At this point, to require the Owner to remove the Tiki Hut would constitute an economic waste in that was not responsible for obtaining the permit and is an innocent party in this transaction.

The Tiki Hut is behind a gate and is compatible with the other structures in the neighborhood.

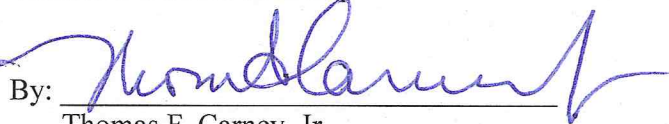
Tiki Hut is situated at the rear of the property which borders an alley.

In addition to the Standard Items, I have also attached a survey from 2019 which shows a constructed shed which previously occupied the area which was replaced with the Tiki Hut. Note that the survey indicates that the shed was reviewed for Code Compliance and shows the setback at 5'.

Thank you very much.

Sincerely,

CARNEY STANTON P.L.

By: 
Thomas F. Carney, Jr.

TFC/my
Attachments