



Legislation Text

File #: 18-202, Version: 1

TO: Mayor and Commissioners
FROM: Timothy Stillings, Planning, Zoning and Building Director
THROUGH: Mark R. Lauzier, City Manager
DATE: June 5, 2018

A WAIVER REQUEST TO LDR SECTION 4.4.3(F)(2)(D), DEVELOPMENT STANDARDS, TO REDUCE THE MINIMUM FRONT SETBACK FROM 25 FEET TO 15 FEET 1 INCH AND THE MINIMUM REAR SETBACK FROM 15 FEET TO 10 FEET FOR A MULTI-STORY SINGLE-FAMILY ADDITION IN THE SINGLE FAMILY RESIDENTIAL (R-1-AA) ZONING DISTRICT WITHIN THE LAKE IDA NEIGHBORHOOD OVERLAY DISTRICT. (QUASI-JUDICIAL HEARING)

Recommended Action:

Motion to approve the waiver request to LDR Section 4.4.3(F)(2)(d), Development Standards, to reduce the minimum front setback from 25 feet to 15 feet 1 inch and the minimum rear setback from 15 feet to 10 feet for a multi-story single-family addition in the Single Family Residential (R-1-AA) zoning district within the Lake Ida Neighborhood Overlay District.

Background:

The subject property is located at 515 NW 1st Avenue, on the east side of NW 1st Avenue and south of NW 6th Street, in the R-1-AA zoning district (Single Family Residential) within the Lake Ida Neighborhood Overlay District. The property contains a one-story, single-family detached structure (2,025 sq.ft) built in 1970. The existing structure has a front setback of 30 feet (west) and a rear setback of 10 feet (east). The property owner is proposing to construct a two-story addition to the existing structure on the (south) side of the property, adding a new garage and additional floor area above.

NW 1st Avenue is a local street without curb and gutter which has an ultimate required right-of-way width of 60 feet (LDR Section 5.3.1(A)(1)). Currently, the subject property provides 15 feet of right-of-way on the north 40 feet of the northwest corner and no right-of-way is provided on the south 58 feet of the southwest corner of lot (the property line extends to the middle of the paved street), per the survey provided. Therefore, a right-of-way dedication of 30' is required for the subject property. However, during the permit application review for the proposed addition, the City Engineer determined that a 25 foot right-of-way dedication along with a 5 foot perpetual sidewalk easement is acceptable in lieu of a 30 foot dedication. The existing property front yard will be reduced to 15 feet upon acceptance of the right-of-way dedication. The right-of-way dedication will be processed at the next available City Commission meeting upon approval of the subject front and rear waiver request, and the approval of the waiver request is contingent on the execution and recordation of the Right-of-Way Deed.

The property is located within the Lake Ida Neighborhood Overlay District which is comprised of R-1-

AA, R-1-AAA, and R-1-AAA-B zoning districts. The minimum front and rear setback for structures within the R-1-AA zoning district is 30 feet and 10 feet, respectively (LDR Section 4.3.4(K)). The Lake Ida Neighborhood Overlay District requires an additional five feet rear setback for multi-story structures, but allows a 25 feet front setback. The intent of this requirement is to minimize the massing of a multi-story structure at the rear of the property without decreasing the buildable area. The proposed multi-story addition requires a waiver to LDR Section 4.4.3(F)(2)(d) to reduce the minimum required front and rear setback: the rear setback is proposed to be reduced from 15 feet to 10 feet due to the increase of the rear setback requirement for second story structures within the Lake Ida Neighborhood overlay; the front setback is proposed to be reduced from 25 feet to 15 feet 1 inch due to the required right-of-way dedication.

Prior to granting a waiver, the approving body shall make a finding that the granting of the waiver (LDR Section 2.4.7(B)(5)):

(a) Shall not adversely affect the neighboring area;

Rear Setback: This requested waiver will not affect the neighboring area as the one-story portion of the structure already exists with a 10 foot setback and the proposed second story addition will be located 43 feet from the rear property line.

Front Setback: The proposed structure provides a 15 feet 1 inch setback after the required right-of-way dedication; prior to the required dedication, the proposed modification provides a minimum front setback of 25 feet 1 inch. The proposed location of the addition will remain aligned with the existing structure and will not affect the existing streetscape or diminish the neighborhood architectural character.

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

The provision of public facilities will not be affected by the front and rear setbacks waiver request.

(c) Shall not create an unsafe situation; and

The waiver to the front and rear setbacks and the respective second story addition 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.

Rear Setback: The waiver request to the rear setback will not result in the grant of a special privilege in that the same waiver would be granted under similar circumstances. The intent of the additional five foot setback requirement for multi-story buildings (adopted in 2008 via the City of Delray Beach Ordinance 24-08) is to reduce the massing of multi-story structures on neighboring properties. This intent is still being met with the second story addition being more than 40 feet from the rear property line.

Front Setback: Granting the requested front setback waiver will not result in the grant of a special privilege as the same waiver would be supported elsewhere under similar circumstances given that the proposed addition is aligned and is architecturally compatible with the existing structure and the neighboring structures, complies with the front setback requirement prior to dedication, and the nonconformity is created due to a right-of-way dedication requirement.

Based upon positive findings, approval of the waiver request to LDR Section 4.4.3(F)(2)(d),

Development Standards, to reduce the minimum front setback from 25 feet to 15 feet 1 inch and the rear setback from 15 feet to 10 feet for a home addition in the R-1-AA zoning district within the Lake Ida Neighborhood Overlay District is recommended subject to the condition that the required right-of-way dedication be executed and recorded with the county prior to issuance of a building permit application. 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:

Approval of building permit application is dependent on waiver.