



## Legislation Text

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File #: 21-373, Version: 1

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**TO:** Mayor and Commissioners  
**FROM:** Anthea Gianniotis, Development Services Director  
**THROUGH:** Jennifer Alvarez, Interim City Manager  
**DATE:** May 4, 2021

RESOLUTION NO. 64-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING WAIVER REQUESTS TO SECTIONS 4.1.4(B) AND 4.1.4 (D) OF THE LAND DEVELOPMENT REGULATIONS; APPROVING THE CONSTRUCTION OF A SINGLE-FAMILY NON-WORKFORCE HOUSING STRUCTURE FOR THE PROPERTY LOCATED AT 211 SE 12TH ROAD, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES (QUASI JUDICIAL).

### **Recommended Action:**

Review and consider Resolution No. 64-21 for a waiver request to Land Development Regulations Section 4.1.4(B) and 4.1.4(D) to allow the construction of a non-workforce housing residential structure on a lot with a frontage of less than 50 feet.

### **Background:**

The subject property located at 211 SE 12th Road, is a lot of record described as the west 40 feet of the east 280 feet of Lot 6, Lambert Trailer Court, according to the Plat thereof on file in the office of the Clerk of the Circuit Court and for Palm Beach County, in Plat Book 22, Page 41, including the improvements thereon and furnishings therein contained, per agreement. The property is zoned (R-1 -A) Single Family Residential with a LUM of (TRN) Transitional. The Always Delray Plan identifies the Transitional land use designation as compatible with the R-1-A zoning district. The existing property is currently one parcel that is 40 feet by 133.50 feet long. The original plat of Lambert Trailer was recorded on August 31, 1948 and contained six lots. Over time, the land was subdivided and is currently four independently owned single family lots.

The original house on the property was built in 1945. In June of 2020, a building permit was issued for interior alterations (19-185242). The house was in poor condition and was demolished in its entirety without acquiring the proper permits. On June 23, 2020, the City cited the property for the demolition of the structure without obtaining a permit. Extensions to rectify the permit process were given to the applicant on July 10, August 10, and September 14, 2020. The demolition permit was submitted on February 4, 2021 after a formal action by the Code Board was issued.

The single family lots remaining on SE 12th Road have remained in the current configuration throughout the years. SE12th Road, the road serving these homes, remains undeveloped as a shell rock driveway. Only one lot on this road conforms to the R-1-A zoning district Development Standards, while the other three remaining lots are non-conforming in lot width/frontage as each is approximately 40 feet wide. The R-1-A zoning development standards require 60' x 100' minimum for

single-family lots.

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 lot is 40 feet wide and therefore limited to workforce housing.

The current request is for a waiver to allow the construction of a new house on the property, without requiring it to be a workforce housing unit, which requires a deed restriction limiting the purchaser/renter's income level and requiring specific architectural design criteria in the LDR.

Pursuant to LDR 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;
- (b) Shall not significantly diminish the provision of public facilities;
- (c) Shall not create an unsafe situation; and,

(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.

The surrounding area is zoned Planned Commercial (PC) to the southeast (The Franklin), Medium Density Residential (RM) to the northwest "The Heritage Club", and Special Activities District (SAD) "Silver Terrace" to the west, which consists of single-family homes, Residential Office, Automobile Repair, and Neighborhood Commercial uses. There is an extensive history of rezoning, annexation and conditional uses to the surrounding areas that begin in the 1980's.

- At its meeting of March 10, 1981, the City Commission approved the annexation, rezoning, conditional uses and site plan for the existing 21,600 square foot Professional Office Plaza to the north of the applicant's proposal.
- At its meeting of August 18, 2009, the City Commission approved Ordinance No. 38-09, which included development standards for the Silver Terrace Courtyards Overlay District in the PC zoning district. This change allowed a residential density of up to 22 units per acre for the area as a conditional use, subject to the Performance Standards of the RM (Multiple Family - Medium Density) zoning district, provided at least 20% of the units are workforce dwelling units.
- At its meeting of April 13, 2011, the Site Plan Review and Appearance Board approved a Class V site plan for the "Franklin" this consisted of the demolition of the existing office plaza and mobile home park and construction of 180 dwelling units in 7 buildings. The Franklin provides 20% of the units as workforce housing through a restricted covenant.

Constructing a workforce housing home allows for a reduction in the side setback from 7 1/2 feet to 5 feet if necessary to maintain sufficient distance between neighbors, adjusting the regulations for narrower lots without necessitating additional relief. Workforce housing is required to utilize the designs in LDR Section 4.7.12 to ensure high quality design. The existing structures of the remaining homes are small bungalows that were built in the 1940's with various additions and accessory

structures added throughout the years.

The purpose of the Housing Element in Always Delray Comprehensive Plan is to “*analyze local housing and neighborhood conditions, local housing trends and housing issues, identify existing and projected deficits in the supply of housing to meet the needs of the city’s population, and develop policies to improve the livability of neighborhoods, provide a range of housing choices, improve the equity of the housing market and increase efficiency of the housing delivery system.*” The provision of workforce housing is a high priority for the City and is supported by numerous comprehensive plan policies. Conversely, smaller lots than the current zoning districts require exist throughout the eastern area of the City and requests for waivers to the allowance for redevelopment limited to workforce housing have increased as the housing stock ages. Similar waivers have been granted to 816 Palm Trail and 822 N Lake Avenue and in Osceola Park but these lots had frontages of at least 47 feet.

**City Attorney Review:**

City Attorney has reviewed for form and legal sufficiency.

**Funding Source/Financial Impact:**

N/A

**Timing of Request:**

N/A