

RESOLUTION NO. 109-24

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A FINAL PLAT WITH WAIVERS FOR A MINOR SUBDIVISION KNOWN AS “530 NORTH SWINTON AVENUE PLAT,” FOR THE PROPERTY LOCATED AT 530 NORTH SWINTON AVENUE; AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, InHabit, LLC (“Owner”), is the owner of land measuring 0.5214 acres located at 530 North Swinton Avenue (“Property”), as more particularly described in Exhibit “A”; and

WHEREAS, the owner designated Corey W. O’Gorman, AICP, of Place Planning and Design, Inc. to act as its agent (“Agent”); and

WHEREAS, the Agent, on behalf of the Owner, submitted an application for a Minor Subdivision (File No. 2024-086-WAI-PMI-PZB) seeking to subdivide the Property into a two-lot subdivision known as the 530 North Swinton Avenue Plat, as more particularly described in Exhibit “B”; and

WHEREAS, the Property is zoned Single Family Residential (R-1-AA), and currently includes a single-family home with a swimming pool; and

WHEREAS, LDR Section 4.4.3(B) allows single family dwellings in the R-1-AA zoning district; and

WHEREAS, a single-family dwelling in the R-1-AA zoning district must apply the R-1-AA development standard matrix in LDR Section 4.3.4(K), which requires a corner lot (“Lot 1”) to have 95 feet of frontage and an interior lot (“Lot 2”) to have 75 feet of frontage; and

WHEREAS, in the proposed Minor Subdivision, Lot 1 will have frontage of 83.03 feet and Lot 2 will have frontage of 70.20 feet; and

WHEREAS, the Final Plat application requests two waivers from LDR Section 4.3.4(K), “Development standards matrix,” to allow Lot 1 to have 83.03 feet of frontage where 95 feet is required and to allow Lot 2 to have 70.2 feet of frontage where 75 feet is required; and

WHEREAS, LDR Section 2.4.11(B)(5) requires the approving body to make findings that the granting of the waivers:

- (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 granting of a special privilege in that the same waiver would be granted under similar circumstances on other property; and

WHEREAS, LDR Section 2.4.5(D)(1) establishes that the City commission is the final authority in the subdivision process; and

WHEREAS, pursuant to LDR Section 4.3.1(D), the City Commission must declare at the time of approval that it is necessary and appropriate to create a lot that does not meet the minimum requirements; and

WHEREAS, the City Commission considered the Minor Subdivision and waiver requests on June 18, 2024, and has considered the respective findings as set forth in the Land Development Regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AS FOLLOWS:

Section 1. The foregoing recitals are hereby incorporated herein by this reference.

Section 2. The City Commission makes positive findings allow Lot 1 to have 83.03 feet of frontage where 95 feet is required and to allow Lot 2 to have 70.2 feet of frontage where 75 feet is required and (1) does not adversely affect the neighboring area, (2) does not significantly diminish the provision of public facilities, (3) does not create an unsafe situation, and (4) does not result in the granting of a special privilege in that the same waivers would be granted under similar circumstances on other properties.

Section 3. The City Commission approves the Minor Subdivision Application for a two-parcel subdivision known as “530 North Swinton Avenue Plat”, as reflected in Exhibit “B” for the Property described in Exhibit “A”, Legal Description, which are incorporated herein.

Section 4. The City Commission declares it is necessary and appropriate to create two nonconforming lots located at 530 North Swinton Avenue.

Section 5. This Resolution shall be effective upon issuance of the Certificate of Completion (the “Certificate”) associated with the Demolition Permit for the Property. Upon issuance of the Certificate, the Mayor shall execute the plat on behalf of the City.

Section 6. The plat shall be recorded pursuant to procedures as set forth by the City Clerk. In accordance with LDR Section 2.2.4(F)(4)(a), the final plat must be recorded within 18 months of the approval date of the City Commission meeting. If the final plat is not recorded within 18 months from the approval date, the approval expires.

Section 7. The City Clerk, or designee, is directed to send a certified copy of this Resolution

to Place Planning and Design, Inc., Corey W. O’Gorman, AICP, 700 US Highway One, Suite C, North Palm Beach, FL 33408.

Section 8. All resolutions or parts of resolutions in conflict herewith shall be and hereby are repealed.

Section 9. This Resolution shall be effective upon the issuance of the Certificate.

PASSED AND ADOPTED in regular session on the ____ day of _____, 2024.

ATTEST:

Katerri Johnson, City Clerk

Thomas F. Carney, Jr., Mayor

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney

EXHIBIT "A"
LEGAL DESCRIPTION

A PORTION OF LOTS 1 AND 2 AND THE EAST 8.15 FEET OF LOT 16 AND THE 16 FEET ALLEY LYING BETWEEN LOTS 1 AND 2 AND THE EAST 8.15 FEET OF LOT 16 AND THE 16 FEET ALLEY LYING BETWEEN LOT 16 AND LOTS 1 AND 2, BLOCK 1, OF "LAKE VIEW HEIGHTS, UNIT 1", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 4, PAGE 67, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND A PORTION OF THE EAST 332.55 FEET OF THE NORTHEAST QUARTER (NE 1/4) OF LOT 11, AS SHOWN ON PLAT BOOK 1, PAGE 4, SHEET 1, IN SECTION 8, TOWNSHIP 46 SOUTH, RANGE 43 EAST, CITY OF DELRAY BEACH, PALM BEACH COUNTY, FLORIDA.

EXHIBIT "B"

530 NORTH SWINTON AVENUE PLAT

PERIMETER
SURVEYING & MAPPING
1000 N. W. 10th Avenue, Suite 100
Palm Beach, Florida 33409
Tel: 561-833-1000
Fax: 561-833-1000

530 NORTH SWINTON AVENUE PLAT
A REPLAT OF A PORTION OF LOTS 1 AND 2 AND THE EAST 8.15 FEET OF LOT 16 AND THE 16 FEET ALLEY LYING BETWEEN LOT 16 AND LOTS 1 AND 2, BLOCK 1, OF "LAKE VIEW HEIGHTS, UNIT 1", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 4, PAGE 67, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND A PORTION OF THE EAST 332.55 FEET OF THE NORTHEAST QUARTER (NE 1/4) OF LOT 11, AS SHOWN ON PLAT BOOK 1, PAGE 4, SHEET 1, IN SECTION 8, TOWNSHIP 46 SOUTH, RANGE 43 EAST, CITY OF DELRAY BEACH, PALM BEACH COUNTY, FLORIDA.

STATE OF FLORIDA
COUNTY OF PALM BEACH
THIS PLAT WAS FILED FOR
RECORD IN PLAT BOOK
4, PAGE 67, AND ONLY RECORDED
IN PLAT BOOK 4, PAGE 67.
THIS PLAT IS SUBJECT TO
ANY AND ALL RECORDS OF
RECORDS, CLAIMS OF
RIGHTS, AND ENCUMBRANCES
CONTROLLED BY THE
CITY OF DELRAY BEACH.

SHEET 1 OF 2

DESCRIPTION AND DEDICATION

THIS PLAT IS A REPLAT OF A PORTION OF LOTS 1 AND 2 AND THE EAST 8.15 FEET OF LOT 16 AND THE 16 FEET ALLEY LYING BETWEEN LOT 16 AND LOTS 1 AND 2, BLOCK 1, OF "LAKE VIEW HEIGHTS, UNIT 1", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 4, PAGE 67, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND A PORTION OF THE EAST 332.55 FEET OF THE NORTHEAST QUARTER (NE 1/4) OF LOT 11, AS SHOWN ON PLAT BOOK 1, PAGE 4, SHEET 1, IN SECTION 8, TOWNSHIP 46 SOUTH, RANGE 43 EAST, CITY OF DELRAY BEACH, PALM BEACH COUNTY, FLORIDA.

CITY OF DELRAY BEACH APPROVAL OF PLAT

THIS PLAT OF THE NORTHEAST QUARTER (NE 1/4) OF LOT 11, IS SUBMITTED TO THE CITY OF DELRAY BEACH, FLORIDA, FOR THE CITY ENGINEER'S REVIEW AND APPROVAL.

CITY ENGINEER: _____ ATTEST: _____

DEVELOPER: PERIMETER SURVEYING & MAPPING, INC.

CITY ENGINEER: _____

DATE: _____

REVIEWING SURVEYOR'S STATEMENT

I, _____, REVIEWING SURVEYOR, HAVE REVIEWED THE PLAT AND THE RECORDS THEREON AND HAVE FOUND THAT THE PLAT IS CORRECT AND ACCURATE AND THAT THE PLAT IS IN ACCORDANCE WITH THE CITY OF DELRAY BEACH, FLORIDA, ORDINANCES AND REGULATIONS.

DATE: _____

ACKNOWLEDGEMENT

I, _____, DEVELOPER, HEREBY ACKNOWLEDGE THAT I HAVE READ AND UNDERSTAND THE CONTENTS OF THIS PLAT AND THAT I AGREE TO THE TERMS AND CONDITIONS THEREOF.

DATE: _____

LOCATION MAP

TITLE CERTIFICATION

THIS PLAT IS A REPLAT OF A PORTION OF LOTS 1 AND 2 AND THE EAST 8.15 FEET OF LOT 16 AND THE 16 FEET ALLEY LYING BETWEEN LOT 16 AND LOTS 1 AND 2, BLOCK 1, OF "LAKE VIEW HEIGHTS, UNIT 1", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 4, PAGE 67, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND A PORTION OF THE EAST 332.55 FEET OF THE NORTHEAST QUARTER (NE 1/4) OF LOT 11, AS SHOWN ON PLAT BOOK 1, PAGE 4, SHEET 1, IN SECTION 8, TOWNSHIP 46 SOUTH, RANGE 43 EAST, CITY OF DELRAY BEACH, PALM BEACH COUNTY, FLORIDA.

NOTES:

- THE PLAT IS SUBJECT TO ANY AND ALL RECORDS OF RECORDS, CLAIMS OF RIGHTS, AND ENCUMBRANCES CONTROLLED BY THE CITY OF DELRAY BEACH.
- THE PLAT IS SUBJECT TO ANY AND ALL RECORDS OF RECORDS, CLAIMS OF RIGHTS, AND ENCUMBRANCES CONTROLLED BY THE COUNTY OF PALM BEACH.
- THE PLAT IS SUBJECT TO ANY AND ALL RECORDS OF RECORDS, CLAIMS OF RIGHTS, AND ENCUMBRANCES CONTROLLED BY THE STATE OF FLORIDA.
- THE PLAT IS SUBJECT TO ANY AND ALL RECORDS OF RECORDS, CLAIMS OF RIGHTS, AND ENCUMBRANCES CONTROLLED BY THE FEDERAL GOVERNMENT.
- THE PLAT IS SUBJECT TO ANY AND ALL RECORDS OF RECORDS, CLAIMS OF RIGHTS, AND ENCUMBRANCES CONTROLLED BY ANY OTHER AUTHORITY.

SURVEYOR'S CERTIFICATE

I, _____, SURVEYOR, HEREBY CERTIFY THAT I HAVE PERSONALLY REVIEWED THE PLAT AND THE RECORDS THEREON AND THAT I AM A LICENSED SURVEYOR IN THE STATE OF FLORIDA.

DATE: _____

PERIMETER
SURVEYING & MAPPING
1000 N. W. 10th Avenue, Suite 100
Palm Beach, Florida 33409
Tel: 561-833-1000
Fax: 561-833-1000

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SHEET 2 OF 2

TABULAR DATA

LINE	BEARING	DISTANCE	AREA
1-1	S 89° 15' 00" W	100.00	100.00
1-2	S 00° 00' 00" W	100.00	100.00
1-3	N 89° 15' 00" E	100.00	100.00
1-4	N 00° 00' 00" E	100.00	100.00
TOTAL		400.00	400.00

LEGEND

- 1. LOT 1
- 2. LOT 2
- 3. LOT 16
- 4. ALLEY
- 5. N.W. 6TH ST
- 6. SWINTON AVENUE
- 7. N.W. 1ST AVENUE
- 8. BLOCK 1
- 9. "LAKE VIEW HEIGHTS, UNIT 1"
- 10. P.O.B.
- 11. PLAT LIMITS
- 12. 10' SETBACK
- 13. 5' SETBACK
- 14. 15' SETBACK
- 15. 20' SETBACK
- 16. 25' SETBACK
- 17. 30' SETBACK
- 18. 35' SETBACK
- 19. 40' SETBACK
- 20. 45' SETBACK
- 21. 50' SETBACK
- 22. 55' SETBACK
- 23. 60' SETBACK
- 24. 65' SETBACK
- 25. 70' SETBACK
- 26. 75' SETBACK
- 27. 80' SETBACK
- 28. 85' SETBACK
- 29. 90' SETBACK
- 30. 95' SETBACK
- 31. 100' SETBACK