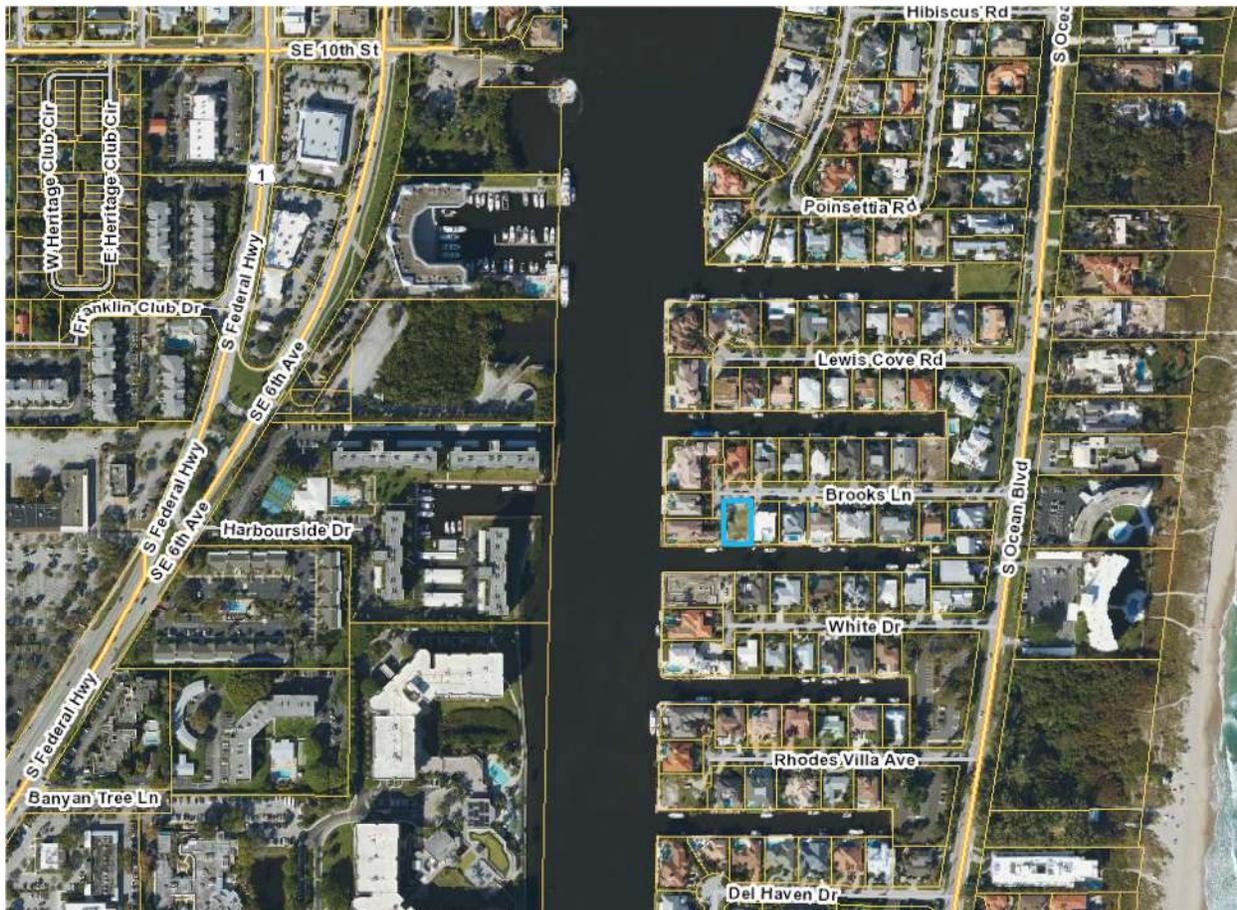


1006 Brooks Lane
Waiver
Justification Statement



1006 Brooks Lane LLC (“Applicant”) is the owner of the subject property located at 1006 Brooks Lane in the City of Delray Beach (“City”), Palm Beach County, Florida and whose parcel control number is 12-43-46-21-15-000-0470 (“Property”). The Property is located east of the Intracoastal Waterway. On June 26, 2023, building permit #22-00204096 was approved for the construction of a single-family home on the Property (“Project”). On March 5, 2024, the City adopted Ordinance 08-24, which revised the development standards for residential property east of the Intracoastal Waterway. On September 14, 2024, the approved building permit for the Project was paid for and issued by the City.

Because the approved building permit predated the adoption of Ordinance 08-24, the Project’s original building design is currently inconsistent with the existing development regulations. Despite this, the Applicant desires to meet the spirit and intent of the revised development standards for residential property east of the Intracoastal Waterway without sacrificing its development rights. As such, the Applicant has amended the original building design and seeks the following waiver in equity (“Proposed Waiver”):

LDR SECTION	REQUIREMENT	EXISTING	PROPOSED REQUEST
4.4.3.(F).(1).(a).	0.65 FAR	1.06 FAR	0.85 FAR

Pursuant to 2.4.11(B), prior to granting a waiver, the granting body shall make findings that the granting the waiver:

(a) Shall not adversely affect the neighboring area;

The Proposed Waiver do not adversely affect the neighboring area. The revised building design with the Proposed Waiver shall positively impact the neighboring area because it is more consistent with the current code regulations than the original approved design.

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

The Proposed Waiver do not significantly diminish the provision of public facilities. The Proposed Waiver are unrelated to the provision of public facilities. The Project is a single-family home, and the Proposed Waiver do not alter the proposed use in any way that could impact public facilities.

(c) Shall not create an unsafe situation; and

The Proposed Waiver do not create an unsafe situation. The floor area ratio and step backs are aesthetic features, not utilitarian. Thus, the Proposed Waiver are unrelated to safety.

(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 Proposed Waiver do not result in the grant of a special privilege. Any property whose building design was approved or constructed prior to the adoption of the revised development standards can voluntarily re-design their building and seek associated waiver.