

RESOLUTION NO. 133-25

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A WAIVER REQUEST TO SECTIONS 4.1.4(B) AND 4.1.4(D) OF THE LAND DEVELOPMENT REGULATIONS TO ALLOW CONSTRUCTION OF A NON-WORKFORCE HOUSING SINGLE-FAMILY RESIDENTIAL STRUCTURE ON LOT 19 OF THE PROPERTY LOCATED AT 228 SE 3rd AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, Raymond Said Rizk, Sr. (“Owner”) is the owner of a lot located at 228 SE 3rd Avenue (the “Property”), as more particularly described in Exhibit “A”; and

WHEREAS, Owner designated Cristofer A. Bennardo, Esq. (“Applicant”), to act as his agent for the Property; and

WHEREAS, the City of Delray Beach (the “City”) received a waiver request (File No. 2025-006) from the Applicant to allow construction of a non-workforce housing single-family residential structure on the Property; and

WHEREAS, the Property consists of Lot 19 (“Lot of Record”) of Block 87 of the Linn’s Addition to Osceola Park Plat recorded in Plat Book 1, Page 133 of the Official Records of Palm Beach County, along with the north 18 inches of the west 26 feet of Lot 20 Block 87, Linn’s Addition to Osceola Park, as depicted in Exhibit “A”; and

WHEREAS, the Property is located within the R-1-A Zoning District; and

WHEREAS, Section 4.1.4(B) of the Land Development Regulations of the City of Delray Beach (the “LDR”) provides that a residential structure shall not be constructed on any lot, within a residential district, which has frontage of less than 50 feet; and

WHEREAS, pursuant to LDR Section 4.1.4(D), lots of record having at least 40 feet of frontage may be used for Workforce Housing if the lot is a minimum of 4,000 square feet and conforms to setbacks; and

WHEREAS, if the waiver is approved, the Applicant intends to construct a non-workforce housing single family residential structure on the Property; and

WHEREAS, the Property may only be developed as workforce housing pursuant to LDR Section 4.1.4(B) and LDR Section 4.1.4(D); and

WHEREAS, Applicant is requesting a waiver to allow the construction of a non-workforce housing single-family residential structure on the Property; and

WHEREAS, pursuant to LDR Section 2.4.11(B)(5), which governs waivers from development regulations, the approving body shall make a finding that the granting of a 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 a similar circumstance on other property for another applicant or owner; and

WHEREAS, the requested waiver of relief from LDR Sections 4.1.4(B) and 4.1.4(D), to allow construction of a non-workforce housing single-family residential structure on the Property, was presented to the City Commission at a quasi-judicial hearing on August 12, 2025; and

WHEREAS, the City Commission considered the waiver request as well as the Comprehensive Plan and respective criteria and 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 and are approved and adopted.

Section 2. The City Commission makes positive findings that the requested waiver (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 grant of a special privilege in that the same waivers would be granted under similar circumstances on other property for another applicant or owner.

Section 3. The City Commission approves the waiver request to LDR Sections 4.1.4(B) and 4.1.4(D) to allow construction of a non-workforce housing single-family residential structure on Lot 2 by finding that the request is consistent with the Comprehensive Plan and meets the respective criteria and findings as set forth in the Land Development Regulations.

Section 4. The City Clerk, or designee, is directed to send a certified copy of this Resolution to Cristofer A. Bennardo, Esq. at 3837 NW Boca Raton Blvd., Suite 200, Boca Raton, FL 33431.

Section 5. All resolutions or parts of resolutions in conflict herewith shall be and hereby are repealed.

Section 6. This Resolution shall be effective immediately upon adoption.

PASSED AND ADOPTED in regular session on the _____ day of _____, 2025.

ATTEST:

Alexis Givings, City Clerk

Thomas F. Carney, Jr., Mayor

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney

