

RESOLUTION NO. 58-26

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A WAIVER TO THE MINIMUM LOT WIDTH ASSOCIATED WITH THE PROPOSED “ENCLAVE BY THE SEA” PLAT FOR THE PROPERTY LOCATED AT 504 NW 8TH AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, NW 8th Ave Land, LLC (“Owner”), is the owner of a parcel of land measuring approximately 0.388 acres located at 504 NW 8th Avenue (“Property”) situated on the west side of NW 8th Avenue between Enfield Road and Sunshine Drive, as more particularly described in Exhibit “A”; and

WHEREAS, the City of Delray Beach, Florida (“City”) received an application for a Minor Plat (File No. PZ-000301-2025) known as Enclave of the Sea, seeking to plat the property as a buildable lot, as more particularly described in Exhibit “B”; and

WHEREAS, the Property is zoned Single-Family Residential (R-1-AAA); and

WHEREAS, the Minor Plat application requests a waiver from Section 4.3.4(K), “Development standards matrix,” of the Land Development Regulations (LDR) to allow for a lot width of 80 feet whereas 100 feet is required; and

WHEREAS, LDR Section 4.3.1(D) establishes that lots or yards created after October 1, 1990 shall meet the minimum requirements established by this chapter unless the City Commission declares at the time of approval of an associated development application that it is necessary and appropriate to create such a nonconformity; and

WHEREAS, LDR Section 2.4.11(B)(5) requires the approving body to 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 granting of a special privilege in that the same waiver would be granted under similar circumstances on other property; and

WHEREAS, the Minor Plat establishes a lot with a nonconforming lot width of 80 feet, whereas 100 feet is required pursuant to LDR Section 4.3.4(K), the City Commission must declare at the time of approval that it is necessary and appropriate to create a nonconformity.

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

Section 1. The forgoing 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 granting of a special privilege in that the same waiver would be granted under similar circumstances on other property.

Section 4. The City Commission declares it is necessary and appropriate to create a nonconformity for the Property.

Section 5. The City Clerk, or designee, is directed to send a certified copy of this Resolution to Christopher Bennardo, Bennardo Law Group, P.A., 3837 NW Boca Raton Boulevard, Suite 200, Boca Raton, FL 33431.

Section 6. All resolutions or parts of resolutions in conflict herewith shall be and hereby are repealed.

Section 7. This Resolution shall be effective immediately upon adoption.

PASSED AND ADOPTED in regular session on the ____ day of _____, 2026.

ATTEST:

Alexis Givings, City Clerk

Thomas F. Carney, Jr., Mayor

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney

EXHIBIT "A"
LEGAL DESCRIPTION

PARCEL "B", LAKE IDA SHORES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 25, PAGE 54, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

AND

A PARCEL OF LAND LYING WITHIN SECTION 8, TOWNSHIP 46 SOUTH, RANGE 43 EAST, LYING NORTH OF PARCEL "B", LAKE IDA SHORES AS RECORDED IN PLAT BOOK 25, PAGE 54, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; AND LYING SOUTH OF LOTS 12 AND 13, SAID LAKE IDA SHORES; LYING WEST OF N.W. 8TH AVENUE; AND LYING EAST OF DELRAY LAKES AS RECORDED IN PLAT BOOK 78, PAGE 184; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF SAID PARCEL "B"; THENCE N.00°29'30"W., ALONG THE EAST LINE OF DELRAY LAKES AS RECORDED IN PLAT BOOK 78, PAGE 184, A DISTANCE OF 50.00 FEET TO A POINT AT THE SOUTHWEST CORNER OF SAID LOT 13; THENCE N.90°00'00"E., ALONG THE SOUTH LINE OF SAID LOTS 12 AND 13, A DISTANCE OF 184.79 FEET TO A POINT OF CURVATURE OF A CURVE LYING CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 25.00 FEET; THENCE NORTHWESTERLY ALONG SAID CURVE HAVING A CENTRAL ANGLE OF 90°29'30", A DISTANCE OF 39.48 FEET TO A POINT OF TANGENCY ON THE WEST RIGHT OF WAY OF SAID N.W. 8TH AVENUE HAVING A RIGHT OF WAY WIDTH OF 50.00 FEET; THENCE S.00°29'30"E., ALONG SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 100.00 FEET TO A POINT OF CURVATURE OF A NORTHWESTERLY ALONG SAID CURVE HAVING A CENTRAL ANGLE OF 89°30'30", A DISTANCE OF 39.06 FEET TO A POINT OF TANGENCY; THENCE S.90°00'00"W., ALONG THE NORTH LINE OF SAID PARCEL "B", A DISTANCE OF 185.22 FEET TO THE POINT OF BEGINNING.

CONTAINING 16,911 SQUARE FEET OR 0.3882 ACRES MORE OR LESS.

