

RESOLUTION NO. 57-26

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A WAIVER TO SECTION 4.4.3(F)(1)(A) OF THE LAND DEVELOPMENT REGULATIONS TO ALLOW A FLOOR AREA RATIO OF 0.85 FOR THE PROPERTY LOCATED AT 1006 BROOKS LANE, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, 1006 Brooks Lane, LLC (“Owner”), is the owner of a parcel of land measuring approximately 0.2 acres located at 1006 Brooks Lane (“Property”), as more particularly described in Exhibit “A”; and

WHEREAS, Owner designated Sean McAllister of Stamm Development Group, LLC (“Agent”) to act as its agent; and

WHEREAS, the Property is zoned Single Family Residential R-1-AA and is located east of the Intracoastal Waterway; and

WHEREAS, on June 25, 2023, the City of Delray Beach, Florida (“City”), approved an Owner/Builder Building Permit (File No. 22-00204096) (“Permit”) for Boris Zusin to construct a single-family house; and

WHEREAS, on August 20, 2024, the Property was conveyed to Owner; and

WHEREAS, on September 14, 2024, Stamm Development Group, LLC remitted building permit fees to the City for the Permit on behalf of Owner; and

WHEREAS, on March 4, 2025, the City revoked Permit as invalid pursuant to Section 105.4.1.2 of the Florida Building Code and refunded the fees; and

WHEREAS, on January 26, 2026, City received an application (File No. PZ-000448-2026) requesting approval of a waiver to the maximum floor area ratio (“Waiver”) to construct a single-family house on the Property; and

WHEREAS, LDR Section 4.4.3(F)(1)(a) allows a maximum floor area ratio of 0.65 and 0.85 is requested; and

WHEREAS, LDR Section 2.4.11(B)(5) requires the approving body to 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, on February 24, 2026, 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. That the foregoing recitals are hereby affirmed and ratified.

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 waiver would be granted under a similar circumstance on other property for another applicant or owner.

Section 3. The City Commission approves the waiver request to LDR Section 4.4.3(F)(1)(a) to allow a floor area ratio of 0.85.

Section 4. The City Commission approves the waiver by finding that the approved waiver is consistent with the Comprehensive Plan and meets the respective criteria and findings as set forth in the Land Development Regulations.

Section 5. The City Clerk, or designee, is directed to send a certified copy of this Resolution to Stamm Development Group, LLC at 900 East Atlantic Avenue, Suite 5 Delray Beach, Florida 33483.

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"**

LOT 47, "DELRAY BEACH SHORES", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 23, AT PAGE 167 OF THE PUBLIC RECORDS, OF PALM BEACH COUNTY, FLORIDA.

SAID LAND SITUATED IN THE CITY OF DELRAY BEACH, PALM BEACH COUNTY AND CONTAINS 8,625 SQUARE FEET, MORE OR LESS.