

IN THE CITY COMMISSION  
CHAMBERS OF THE CITY OF  
DELRAY BEACH, FLORIDA

**ORDER OF THE CITY COMMISSION  
OF THE CITY OF DELRAY BEACH, FLORIDA**

**WAIVER REQUEST FOR ONE 10 BUILDING**

1. This waiver request came before the City Commission on **May 3, 2016**.
2. The Applicant and City staff presented documentary evidence and testimony to the City Commission pertaining to the waiver request for the **One 10 Building** development. All of the evidence is a part of the record in this case. Required findings are made in accordance with Subsection I.

**I. WAIVERS:** Pursuant to LDR Section 2.4.7(B)(5), prior to granting a waiver, the approving body shall make a finding 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 grant of a special privilege in that the same waiver would be granted under similar circumstances on other property for another applicant or owner.

A. Waiver to LDR Section 4.4.13(E)(4)(a)

Pursuant to LDR Section LDR Section 4.4.13(E)(4)(a), the minimum porch depth is 8 feet. The applicant is requesting that the porch depth requirement be reduced from 8 feet to 5 feet along SE 1<sup>st</sup> Avenue.

**1. Should the waiver to Section 4.4.13(E)(4)(a), allowing a porch depth of 5 feet along SE 1<sup>st</sup> Avenue be granted?**

Yes \_\_\_\_\_ No \_\_\_\_\_

3. At its meeting of **February 24, 2016**, the Site Plan Review and Appearance Board considered this waiver request and voted **7 to 0** to recommend approval of the waiver, based upon positive findings.

4. The City Commission has applied the Comprehensive Plan and LDR requirements in existence at the time the original development application was submitted and finds that its determinations set forth in this Order are consistent with the Comprehensive Plan.

5. The City Commission finds there is ample and competent substantial evidence to support its findings in the record submitted and adopts the facts contained in the record including but not limited to the staff reports, testimony of experts and other competent witnesses supporting these findings.

6. Based on the entire record before it, the City Commission approves \_\_\_\_\_ denies \_\_\_\_\_ this waiver request.

7. Based on the entire record before it, the City Commission hereby adopts this Order this **3<sup>rd</sup> day of May 2016**, by a vote of \_\_\_\_\_ in favor and \_\_\_\_\_ opposed.

ATTEST:

\_\_\_\_\_  
Cary D. Glickstein, Mayor

\_\_\_\_\_  
Chevelle Nubin, City Clerk

Approved as to legal form  
And sufficiency:

\_\_\_\_\_  
City Attorney

Department Head:

\_\_\_\_\_  
Timothy Stillings, Director of Planning & Zoning