

RESOLUTION NO. 245-24

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING A WAIVER REQUEST TO SECTION 4.6.5(C) OF THE LAND DEVELOPMENT REGULATIONS, TO ALLOW A TEN-FOOT HIGH WALL TO BE LOCATED WITHIN THE FRONT AND SIDE STREET SETBACK FOR THE PROPERTY LOCATED AT 319 ANDREWS AVENUE AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, Jordan M. Dorfman and Margaret P. Dorfman (the “Owners”) are the owners of the property located at 310 Andrews Avenue (the “Property”), as more particularly described in Exhibit “A”, attached hereto and incorporated herein; and

WHEREAS, the Owners designated Gary Eliopoulos of GE Architecture (collectively, the “Applicant”) to act as their agent regarding the Property; and

WHEREAS, the Property is located within the R-1-AAA Single Family Residential Zoning District; and

WHEREAS, the City of Delray Beach, Florida (the “City”) received a waiver request (File No. 2024-166) associated with the Property from the Applicant, to allow a wall located in the front and side street setback to exceed the maximum allowable height; and

WHEREAS, pursuant to Section 4.6.5(C) of the Land Development Regulations of the City of Delray Beach (LDR), walls that are located within a front or side street setback shall not exceed a maximum height of 6 feet; and

WHEREAS, the Applicant proposes a ten-foot wall within the front (west) and side street (south) setback; and

WHEREAS, the Applicant seeks a waiver to allow a wall that exceeds the maximum height; 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, the requested waiver of relief from LDR Section 4.6.5(C) to allow a ten-foot wall to be located within the front and side street setback was presented to the City Commission at a quasi-judicial hearing conducted on December 17, 2024; and

WHEREAS, the City Commission considered the waiver request as well as the respective 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 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 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 4.6.5(C) to allow a ten-foot wall to be located within the front and side street setback.

Section 4. The City Clerk, or designee, is directed to send a certified copy of this Resolution to Gary Eliopoulos at 1045 East Atlantic Avenue, Suite 303, Delray Beach, FL, 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 _____, 2024.

ATTEST:

Alexis Givings, Interim City Clerk

Thomas F. Carney, Jr., Mayor

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney

EXHIBIT A
LEGAL DESCRIPTION

THE WEST 125 FEET OF LOT 4, LESS THE NORTH 39.19 FEET, AMENDED PLAT NO. 3 OF BEACH LOTS 4,5,6, PART OF THE EAST HALF OF SECTION 16, TOWNSHIP 46 SOUTH, RANGE 43 EAST OF THE ORIGINAL PLAT OF LINTON (NOW CITY OF DELRAY BEACH) PROPERTY OF FRANK CREGO, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 7, PAGE 53, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. LESS THE SOUTH 10 FEET THEREOF CONVEYED TO THE CITY OF DELRAY BEACH IN DEED BOOK 515, PAGE 325, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND ALSO THE LESS THE WEST 17 FEET FOR ANDREWS AVENUE.