

RESOLUTION NO. 78-26

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A WAIVER TO THE SEAWALL HEIGHT REQUIREMENTS IN SECTION 7.1.7(D)(1) OF THE LAND DEVELOPMENT REGULATIONS TO ALLOW THE CONSTRUCTION OF A SEAWALL ABOVE THE BASE FLOOD ELEVATION FOR THE PROPERTY LOCATED AT 1310 NW 13TH STREET, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, Audrey Balbiers and William Panoff (collectively, the“Owners”) are the owners of a parcel of land measuring approximately 0.58 acres located at 1310 NW 13th Street (“Property”), as more particularly described in Exhibit “A”; and

WHEREAS, the Owner designated Jena Robbins (“Applicant”) to act as the agent for the Property; and

WHEREAS, the Property is in Flood Zone AE with a base flood elevation of nine feet North American Vertical Datum (“NAVD”); and

WHEREAS, the City of Delray Beach, Florida (“City”) received an application (File No. PZ-000504-2026) with a waiver request, seeking to construct a seawall higher than nine feet NAVD on the Property; and

WHEREAS, pursuant to Section 7.1(D)(1) of the Land Development Regulations of the City of Delray Beach (“LDR”), Table 7.1.7(D) “Seawall Height Requirements,” nine feet NAVD is the maximum allowable seawall height for the Property; and

WHEREAS, the proposed seawall is 11 feet, 4 inches NAVD; 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 May 6, 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. 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 allow the construction of a seawall measuring 11 feet, 4 inches NAVD for the Property.

Section 4. The City Clerk, or designee, is directed to send a certified copy of this Resolution to Jena Robbins, 902 NW 1st Street, Suite 2, Pompano Beach, Florida 33060.

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 _____, 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 1, Lake Ida Estates, according to the map or plat thereof as recorded in Plat Book 125, Page 195, Public Records of Palm Beach County, Florida.