

RESOLUTION NO. 151-25

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A WAIVER TO TABLE 7.1.7(D) OF THE LAND DEVELOPMENT REGULATIONS TO ALLOW A SEAWALL TO BE CONSTRUCTED ABOVE THE BASE FLOOD ELEVATION FOR THE PROPERTY LOCATED AT 1020 LAKE SHORE DRIVE, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the Desling Community Property Trust (“Owner”) is the owner of a parcel of land measuring approximately 0.30 acres located at 1020 Lake Shore Drive (“Property”), as more particularly described in Exhibit “A”; and

WHEREAS, the Owner designated Ileen Gonzalez (“Applicant”) to act as its agent for the Property; and

WHEREAS, the Property is in Flood Zone AE with a base flood elevation of nine feet NAVD; and

WHEREAS, the City of Delray Beach, Florida (“City”) received an application with a waiver request (File No. 2025-211-WAI) to construct a seawall at the Property; and

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

WHEREAS, the proposed seawall measures 12 feet, 5 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 August 19, 2025, 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 LDR Table 7.1.7(D) to allow the seawall to measure 12 feet, 5 inches NAVD for the Property.

Section 4. The City Clerk, or designee, is directed to send a certified copy of this Resolution to Ileen Gonzalez, 128 East Central Boulevard, Lantana, Florida 33462.

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 _____, 2025.

ATTEST:

Alexis Givings, City Clerk

Thomas F. Carney, Jr., Mayor

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney

Exhibit "A"

Lot 4, Block 2, Lake Ida Shores, according to the Plat thereof, recorded a Plat Book 25, Page 54, in the Public Records of Palm Beach County, Florida.