

Planning & Zoning Department M E M O R A N D U M

TO: NOEL PFEFFER, CITY ATTORNEY
FROM: JASMIN ALLEN, PLANNER *Jasmin Allen*
DATE: FRIDAY, SEPTEMBER 11, 2015
RE: BOARD ORDERS – ORIGINAL DOCUMENTS

RECEIVED
SEP 15 2015
CITY CLERK

It is noted that the attached original signed and completed board order has been approved by the City Commission and require the City Attorney's signature:

1. One (1) City Commission **BOARD ORDER** as indicated in the following table:

Project Title	Type of Document	Received by: (Initials)
Bender's Farm Market	City Commission Board Order (Waiver)	

Please initial the last column and return this cover sheet to me. Please route to the City Clerk's Office with the attached memo for continued processing. Thanks for your help !!! ☺

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 BEDNER'S FARM MARKET
381 NE 3RD AVENUE**

1. This waiver request came before the City Commission on September 3, 2015.
2. The Applicant and City staff presented documentary evidence and testimony to the City Commission pertaining to the waiver requests for the Bedner's Farm Market at 381 NE 3rd Avenue. All of the evidence is a part of the record in this case. Required findings are made in accordance with Subsections 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 4.4.13(E)(4)(a), the maximum depth permitted for porches is 12'.

The applicant is requesting that the depth of the front entry porch be increased from 12' to 16' 1".

- 1. Should the waiver to Section 4.4.13(E)(4)(a), allowing a depth of 16' 1" for the front entry porch be granted?**

Yes X

No

3. At its meeting of July 22, 2015, 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.

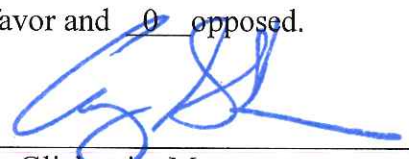
5. The City Commission finds there is ample and competent substantial evidence to support its findings in the record submitted and adopts the facts contained in the record including but not limited to the staff reports, testimony of experts and other competent witnesses supporting these findings.

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

7. Based on the entire record before it, the City Commission hereby adopts this Order this 3rd day of September 2015, by a vote of 5 in favor and 0 opposed.

ATTEST:


Chevelle Nubin, City Clerk


Cary D. Glickstein, Mayor

Approved as to legal form
And sufficiency:


City Attorney

Department Head:

 9/8/15
Timothy Stillings, Director of Planning & Zoning

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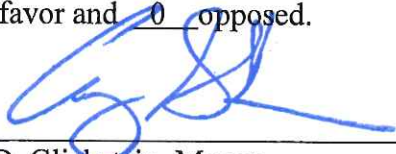
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